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# APPENDIX

TO

## Journals of Senate and Assembly,

OF THE

SIXTEENTH SESSION OF THE LEGISLATURE

OF THE

STATE OF CALIFORNIA.

VOLUME II.



SACRAMENTO:

O. M. CLAYES, STATE PRINTER.

1866.

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**JUL 13 1900**

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FIRST BIENNIAL REPORT  
OF THE  
Superintendent of Public Instruction  
OF THE  
STATE OF CALIFORNIA,  
FOR  
THE SCHOOL YEARS 1864 and 1865.

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## BIENNIAL REPORT.

DEPARTMENT OF PUBLIC INSTRUCTION,  
San Francisco, November 1st, 1865. }  
To His Excellency,  
FRED'K F. LOW,  
Governor of California:

As required by law, I have the honor to submit to you the first biennial report of the Superintendent of Public Instruction for the school years ending August thirty-first, eighteen hundred and sixty-four and eighteen hundred and sixty-five, including the statistical tables of the fourteenth and fifteenth annual reports of the Department of Public Instruction.

Very respectfully,

Your obedient servant,

JOHN SWETT,  
Superintendent of Public Instruction.

O. M. CLAYES.....STATE PRINTER.

# REPORT.

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## INTRODUCTION.

The school law makes it the duty of the Superintendent of Public Instruction to make an annual report on or before the first day of November of each year, to the Governor of the State, who shall cause the same to be published annually, and shall communicate a copy thereof to the Legislature. As the Legislature meets biennially, and as no annual reports of other State departments were published in eighteen hundred and sixty-four, no report of the Department of Instruction was published.

In compliance with the law my annual report for eighteen hundred and sixty-four was made to the Governor, and published in the STATE EDUCATIONAL JOURNAL, the official organ of the Department of Public Instruction.

I have, therefore, considered it unnecessary that my written annual report for eighteen hundred and sixty-four should be republished by the State, and have made this report a biennial one, including the statistics of eighteen hundred and sixty-four, and eighteen hundred and sixty-five.

My first annual report for eighteen hundred and sixty-three closed with the following criticism :

"I have endeavored to set forth in plain words the defects and wants of our public school system. Could I have conscientiously done so, it would have been pleasanter to have found more to commend, and less to censure; but unmerited laudation seldom effects needed reforms."

The conclusion of my annual report to the Governor for eighteen hundred and sixty-four, was as follows :

"The past year has been a particularly disastrous one for California. An unparalleled drought fell with equal severity on the two great sources of wealth, mining and agriculture. In many of the farming counties the people have been compelled to struggle for a bare subsistence, and thousands of claims in the mining counties have remained unworked for nearly two years. More destructive even than the lack of rain, the mania for speculations in mining stocks has swept over the

State, reducing many to poverty, and unfitting thousands for the steady industrial pursuits which yield slow but sure gains. It is encouraging to find that, even if the schools have made but little advancement, they have not lost ground.

"Their real progress is not shown by the statistical tables. The employment of better teachers, the use of better text books, the circulation of school documents, a deeper interest on the part of parents, and more positive public opinion in their favor, have made the schools far more effective, even though little more money has been expended.

"Next year, if the State is blessed with a season of ordinary prosperity, with an increased revenue from taxation, I am confident that the public schools will show an advancement which will fully equal the expectations of the most sanguine."

At the opening of this report I take pleasure in stating that the criticisms of eighteen hundred and sixty-three no longer apply to our school system, and that the hope expressed in eighteen hundred and sixty-four has been more than realized.

Notwithstanding the school year closed before the bountiful harvests of the autumn were gathered, and while the State was still suffering from its previous financial prostration, the statistical returns exhibit an educational progress of which all Californians may well be proud.

While the increase of taxable property in the State from eighteen hundred and sixty-three to eighteen hundred and sixty-four was only three and seven tenths per cent, the increase of school money raised by taxation alone, of eighteen hundred and sixty-five over eighteen hundred and sixty-four, on the assessment roll of eighteen hundred and sixty-four, was ninety-one and seven tenths per cent.

The average length of schools has been increased since eighteen hundred and sixty-three nearly one month. While the number of teachers has increased only fifteen per cent during the last year, the amount paid for teachers' salaries has increased sixty per cent.

The amount of school revenue from all sources has been increased since eighteen hundred and sixty-three two dollars and fifty-eight cents per census child.

The amount expended for schoolhouses shows an increase over eighteen hundred and sixty-three of one hundred and sixty-four thousand dollars.

While the number of children between four and eighteen years of age has increased twenty-six per cent since eighteen hundred and sixty-three, the average number belonging to public schools has increased in the same time forty-six per cent. During the last year the increase of census children was nine and a half per cent, and of public school attendance, sixteen per cent.

The number of free schools has been increased seventy-eight in two years, and more than half the public school children are now relieved from rate bills, while the remainder pay an average tuition fee of twenty-five cents a month.

A careful examination of the full statistical tables submitted in this report, will show a great advance in all that relates to the material progress of the schools. A historical sketch of the school system, with full statistical tables, in an appendix to this report, will show that the public schools have entered on a brighter period of history.

But there is a vital and intangible aspect which no statistics can exhibit.

The stronger hold which the schools have taken on public opinion;

the greater skill, earnestness, and ability of teachers; the improvement in methods of instruction and classification; the greater interest and enthusiasm of pupils, consequent upon the introduction of better books; the greater interest of parents; the civilizing agency of well conducted schools in all the little communities of the State—these cannot be expressed in figures nor conveyed in words.

California has taken her place in the front rank with those States whose material prosperity has been the result of public schools; and it is the duty of every legislator and every statesman to strengthen and perfect a system of schools which shall educate a race of men and women for the next generation that shall inherit, with the boundless resources of the Golden State, something of the energy, enterprise, talent, character, and intelligence which have settled and civilized it.

## STATISTICAL.

Attached to this report will be found the following statistical tables and summaries:

### SUMMARIES.

SUMMARY A—Comparative State summary of statistics for eighteen hundred and sixty-four and eighteen hundred and sixty-five.

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# STATISTICS FROM RETURNS OF SCHOOL CENSUS MARSHALS—1864-65.

	1864.	1865.
Number of boys between four and eighteen years of age.....	44,304	48,300
Increase.....	3,996	
Number of girls between four and eighteen years of age.....	42,527	46,767
Increase.....	4,240	
Number of white children between four and eighteen years of age.....	86,831	95,067
Increase.....	8,236	
Number of white children under four years of age.....	41,323	42,733
Increase.....	1,410	
Number of white children between eighteen and twenty-one years of age.....	4,443	5,142
Increase.....	699	
Number of white children under twenty-one years of age.....	132,597	142,942
Increase.....	10,345	
Number of white children under twenty-one born in California.....	80,714	92,879
Increase.....	12,165	
Number of children between four and six years of age.....	18,136	19,001
Increase.....	865	
Number of children between four and six attending public schools.....	3,723	5,054
Increase.....	1,331	

	1864.	1865.
Number of children reported as attending public schools.....	34,175	41,376
Increase.....	7,201	
Number of children reported as attending private schools.....	11,359	12,478
Increase.....	1,119	
Number of children between six and eighteen not attending any school.....	20,847	20,441
Decrease.....	406	
Number of Indian children.....	5,987	5,920
Decrease.....	67	
Number of Mongolian children.....	987	733
Decrease.....	254	
Number of Negro children.....	831	895
Increase.....	64	
Number of deaf and dumb, irrespective of age.....		49
Number of blind, irrespective of age.....		55

STATISTICS FROM RETURNS OF TEACHERS AND TRUSTEES—1864-65.

	1864.	1865.
Whole number of boys enrolled on public school registers.....	26,310	27,103
Increase.....	793	
Whole number of girls enrolled on public school registers.....	21,278	22,986
Increase.....	1,708	
Total number enrolled.....	47,588	50,089
Increase.....	2,501	
Average number belonging to public schools.....	29,061	33,706
Increase.....	4,645	
Average daily attendance.....	24,704	29,592
Increase.....	4,888	
Total number of days attendance, taken from registers.....		3,910,547
Total number of days absence, taken from registers.....		523,478
Total number of tardinesses, taken from registers.....		261,691
Percentage of average daily attendance on the average number belonging.....	81	88
Increase.....	7	

	1864.	1865.
Percentage of average daily attendance on whole number enrolled.....	51	59
Increase.....	8	
Percentage of average daily attendance on the whole number of children between four and eighteen years of age.....	28	31
Increase.....	3	
Percentage of enrolment on the whole number in the State.....	56	53
Decrease.....	3	
Percentage of whole number attending private schools on the whole number of children between four and eighteen years of age.....	13	13
Percentage of average number belonging on whole number enrolled.....	61	67
Increase.....	6	
Average number of months during which schools were maintained.....	6.9	7.36
Increase.....	.46	
Average number of tardinesses for each pupil enrolled.....		5.2
Percentage of tardy pupils on whole number attending.....		6.5
Percentage of tardy pupils on the average daily attendance.....		8.8

MISCELLANEOUS STATISTICS—1864-65.

	1864.	1865.
Number of primary schools.....	321	324
Increase.....	3	
Number of intermediate schools.....	39	43
Increase.....	4	
Number of ungraded schools.....	424	530
Increase.....	106	
Number of grammar schools.....	44	44
Number of high schools.....	4	6
Increase.....	2	
Total number of schools.....	832	947
Increase.....	115	
Number of school districts.....	759	821
Increase.....	72	

	1864.	1864.
Number of schoolhouses built of brick.....	34	39
Increase..... 5		
Number of schoolhouses built of wood .....	711	765
Increase..... 54		
Number of schoolhouses built of adobe.....	10	12
Increase..... 2		
Number of schoolhouses rented.....	62	69
Increase..... 7		
Number of schoolhouses which disgrace the State.....	137	149
Increase..... 12		
Number of new schoolhouses erected.....	85	102
Increase..... 17		
Number of schools maintained less than three months.....	17	8
Increase..... 9		
Number of schools maintained only three months	149	78
Increase..... 71		
Number of schools maintained more than three and less than six months.....	202	277
Increase..... 75		
Number of schools maintained more than six and less than nine months.....	197	260
Increase..... 63		
Number of schools maintained nine months and over .....	204	244
Increase..... 40		
Number of schools for colored children.....	6	8
Increase..... 2		
Number attending such schools.....	256	278
Increase..... 22		
Number of public schools maintained without rate bills.....	257	293
Increase..... 36		
Number of school districts which have raised a district tax.....	69	108
Increase..... 39		
Number of districts using the entire State series of text books.....		683
Number of male teachers employed during the year.....	565	603
Increase..... 38		
Number of female teachers employed during the year .....	514	552
Increase..... 38		
Total number of teachers.....	1,079	1,155
Increase..... 76		
Number of teachers who have made returns according to law.....	857	1,040
Increase..... 183		

	1864.	1865.
Number of teachers who failed to make such returns.....	54	68
Increase..... 14		
Number of teachers who attended State Teachers' Institute.....		180
Number of teachers who attended County Institutes.....	261	272
Increase..... 11		
Number of teachers allowed and paid for time at institutes.....	148	130
Decrease..... 18		
Number of teachers who subscribe for an educational journal.....	363	468
Increase..... 105		
Number of volumes in public school libraries.....	4,983	5,372
Increase..... 389		
Number of pupils studying physiology and hygiene.....	1,471	2,627
Increase..... 1,156		
Number of pupils studying History of the United States.....	2,384	3,552
Increase..... 1,168		
Number of school visits made by County Superintendents .....	971	1,708
Increase..... 737		
Number of school visits made by Trustees .....	3,498	4,684
Increase..... 1,186		
Number of school visits made by other persons..	13,640	24,121
Increase..... 10,761		
Number of first grade certificates issued by County Boards of Examination.....	242	239
Decrease..... 3		
Number of second grade certificates issued by County Boards of Examination.....	431	333
Decrease..... 98		
Number of temporary certificates issued by County Superintendents.....	318	336
Increase..... 18		
Number of applicants rejected by County Boards of Examination .....	139	198
Increase..... 59		
Number of State educational diplomas issued....	3	22
Increase..... 19		
Number of State certificates, first grade, issued..	5	19
Increase..... 14		
Number of State certificates, second grade, issued ..	1	23
Increase..... 22		
Number of State certificates, third grade, issued.	1	20
Increase..... 19		

	1864.	1864.
Number of applicants rejected by State Board of Examination.....	10	50
Increase..... 40		

## FINANCIAL STATISTICS.

	1864.	1865.
<b>RECEIPTS.</b>		
Balance on hand at beginning of school year	\$104,889 42	\$85,523 78
Decrease..... \$19,365 64		
Amount of School Fund received from State..	132,217 85	168,828 71
Increase..... \$36,610 86		
Amount of School Fund received from county taxes.....	144,876 51	166,839 67
Increase..... \$21,963 16		
Amount of School Fund received from city taxes.....	154,912 46	273,853 34
Increase..... \$118,940 88		
Amount of School Fund received from district taxes.....	45,313 03	71,152 15
Increase..... \$25,839 12		
Amount of School Fund received from miscellaneous sources.....	90,705 21	95,550 89
Increase..... \$4,845 68		
Amount of School Fund received from rate bills and subscriptions.....	84,084 52	91,181 93
Increase..... \$7,097 41		
Total receipts.....	\$756,999 00	\$952,930 47
Increase..... \$195,931 47		
<b>EXPENDITURES.</b>		
Amount paid teachers' salaries.....	\$411,101 01	\$526,585 14
Increase..... \$115,484 13		
Amount paid for sites, buildings, repairs, etc.	167,393 44	257,804 98
Increase..... \$90,411 54		
Amount paid for rent, fuel, and contingent expenses.....	69,562 36	89,056 57
Increase..... \$19,494 21		

	1864.	1865.
Amount paid for school libraries.....	1,132 21	5,792 01
Increase..... \$4,659 80		
Amount paid for school apparatus.....	6,010 84	3,777 86
Decrease..... \$2,232 98		
Total expenditures.....	\$655,198 86	\$883,116 56
Increase..... \$227,917 70		
Balance.....	\$101,800 14	\$69,813 91

## MISCELLANEOUS FINANCIAL STATISTICS FOR 1864-65.

	1864.	1865.
Valuation of schoolhouses and lots.....	\$937,371 73	\$1,004,167 59
Increase..... \$66,792 86		
Valuation of school libraries.....	4,136 10	6,472 00
Increase..... \$2,335 90		
Valuation of school apparatus.....	13,959 36	14,360 31
Increase..... \$400 95		
Average monthly wages paid male teachers.	73 88	74 00
Increase..... \$ 12		
Average monthly wages paid female teachers	54 91	62 00
Increase..... \$7 09		
Average monthly wages paid all teachers...	64 39	68 00
Increase..... \$3 61		
Amount paid for salaries of County Supt's...	24,990 00	25,262 00
Increase..... \$272 00		
Average annual salary of County Supt's....	595 00	582 00
Decrease..... \$13 00		
Amount paid for County subscriptions to "California Teacher".....	759 00	831 00
Increase..... \$72 00		
Appropriations by State for support of State Normal School. ....	8,000 00	8,000 00
<i>Amount of school money for each child between four and eighteen years of age :</i>		
From the balance on hand at beginning of school year, September 1st, 1864.....		89
From interest on State School Fund and State poll taxes.....		1 20
From half-mill State school tax.....		75
From county school taxes.....		1 75

	1864.	1865.
From city taxes.....		\$2 86
From district taxes.....		74
From rate bills .....		96
From miscellaneous sources.....		1 00
Loss from fractional cents.....		4
Total amount received per child, from all sources.....		10 02
Amount, per school child, paid for teachers' salaries.....		5 54
Amount, per school child, paid for school-houses, etc.....		2 71
Amount, per school child, paid for rent, fuel, and contingent expenses.....		94
Amount, per school child, paid for school libraries.....		6
Amount, per school child, paid for school apparatus.....		4
Total amount expended per child.....		9 29
Average cost of tuition for the year, for each child enrolled on public school registers.....		10 50
Total expenditure for each child enrolled on public school registers.....		13 10
Amount per child, not including San Francisco, raised by county taxes.....		2 21
Average percentage of amount raised by county taxes on each one hundred dollars of assessable property in the State.....	15 1-10	17
Increase..... \$1 9-10		
Percentage of total expenditures on each one hundred dollars of assessable property in the State, expressed in cents.....	37 6-10	48 9-10
Increase..... \$11 3-10		
Increase of assessment roll of taxable property in the State, from 1864 to 1865, expressed in percentage.....		3 6-10
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# STATISTICS FROM RETURNS OF SCHOOL CENSUS MARSHALS, 1863-64.

	1863.	1864.
Number of boys between four and eighteen years of age.....	39,700	44,304
Increase..... 4,604		
Number of girls between four and eighteen years of age.....	38,355	42,527
Increase..... 4,172		
Number of white children between four and eighteen years of age.....	78,055	86,831
Increase..... 8,776		
Number of white children under four years of age.....	39,081	41,323
Increase..... 2,242		
Number of white children between eighteen and twenty-one years of age.....	4,129	4,443
Increase..... 314		
Number of white children under twenty-one years of age.....	121,265	132,597
Increase..... 11,332		
Number of white children under twenty-one years of age born in California.....	74,835	80,714
Increase..... 5,879		
Number of children between four and six years of age.....	15,987	18,136
Increase..... 2,149		
Number of children between four and six years of age attending public schools.....	3,722	3,723
Increase..... 1		
Number of children reported as attending public schools.....	29,416	34,175
Increase..... 4,759		
Number of children reported as attending private schools.....	9,158	11,359
Increase..... 2,201		
Number of children between six and eighteen years of age not attending any school.....	20,062	20,847
Increase..... 785		
Number of Indian children.....	4,522	5,987
Increase..... 1,465		
Number of Mongolian children.....	455	987
Increase..... 532		
Number of Negro children.....	735	831
Increase..... 96		



STATISTICS FROM RETURNS OF TEACHERS AND TRUSTEES, 1863-64.

	1863.	1864.
Whole number of children enrolled on public school registers .....	36,540	47,588
Increase .....	11,048	
Average number belonging to public schools.....	22,965	29,061
Increase.....	6,096	
Average daily attendance .....	19,992	24,704
Increase .....	4,712	
Percentage of average daily attendance on the average number belonging .....	80	81
Increase .....	1	
Percentage of average daily attendance on the whole number enrolled.....	51	51
Percentage of average daily attendance on the whole number of children between four and eighteen years of age.....	24½	28
Increase .....	3½	
Percentage of enrolment on the whole number in the State.....	46	56
Increase.....	10	
Percentage of whole number attending private schools on the whole number of children between four and eighteen.....	11	13
Increase .....	2	
Percentage of average number belonging on the whole number enrolled.....	62	61
Decrease.....	1	
Average number of months during which schools were maintained.....	5.4	6.9
Increase.....	1.5	

MISCELLANEOUS STATISTICS—1863-64.

	1863.	1864.
Number of primary schools .....	280	321
Increase.....	41	
Number of intermediate schools.....	58	39
Decrease.....	19	
Number of ungraded schools.....	364	424
Increase .....	60	

	1863.	1864.
Number of grammar schools.....	48	44
Decrease.....	4	
Number of high schools.....	2	4
Increase.....	2	
Total number of schools.....	754	832
Increase .....	78	
Number of school districts.....	684	759
Increase.....	75	
Number of schoolhouses built of brick.....	31	34
Increase.....	3	
Number of schoolhouses built of wood.....	647	711
Increase.....	64	
Number of schoolhouses built of adobe.....	6	10
Increase .....	4	
Number of schoolhouses rented.....	57	62
Increase .....	5	
Number of schoolhouses which disgrace the State. Decrease.....	149	137
Number of new schoolhouses erected.....		85
Number of schools maintained less than three months.....	31	17
Decrease.....	14	
Number of schools maintained only three months. Decrease.....	198	149
Decrease.....	49	
Number of schools maintained more than three and less than six months.....	211	202
Decrease.....	9	
Number of schools maintained more than six and less than nine months.....	157	197
Increase.....	40	
Number of schools maintained nine months and over.....	114	204
Increase.....	90	
Number of schools for colored children.....	5	6
Increase .....	1	
Number attending such schools.....	162	256
Increase .....	94	
Number of public schools maintained without rate bills .....	219	257
Increase .....	38	
Number of school districts which have raised a district tax.....	17	69
Increase .....	52	
Number of male teachers employed during the year .....	535	565
Increase .....	30	
Number of female teachers employed during the year .....	464	514
Increase .....	50	
Total number of teachers.....	999	1,079
Increase.....	80	

	1863.	1864.
Number of teachers who have made returns according to law.....	756	857
Increase.....	101	
Number of teachers who failed to make such returns.....	79	54
Increase.....	25	
Number of teachers who attended State Teachers' Institute.....	308	.....
Number of teachers who attended County Institutes.....	242	261
Increase.....	19	
Number of teachers allowed and paid for time at Institutes.....	86	148
Increase.....	62	
Number of teachers who subscribe for an educational journal.....	277	363
Increase.....	86	
Number of volumes in public school libraries... Increase.....	3,327	4,983
Increase.....	1,656	
Number of school visits made by County Superintendents.....	1,058	971
Decrease.....	87	
Number of school visits made by Trustees.....	971	3,498
Increase.....	2,527	
Number of school visits made by other persons, Increase.....	2,460	13,640
Increase.....	11,180	
Number of first grade certificates issued by County Boards of Examination.....	159	242
Increase.....	83	
Number of second grade certificates issued by County Boards of Examination.....	294	431
Increase.....	137	
Number of temporary certificates issued by County Superintendents.....	124	318
Increase.....	194	
Number of applicants rejected by County Boards of Examination.....	99	139
Increase.....	40	
Number of State educational diplomas issued... Decrease.....	9	3
Decrease.....	6	
Number of State certificates, first grade, issued, Decrease.....	11	5
Decrease.....	6	
Number of State certificates, second grade, issued.....	12	1
Decrease.....	11	
Number of State certificates, third grade, issued, Decrease.....	20	1
Decrease.....	19	
Number of applicants rejected by State Board.. Decrease.....	31	10
Decrease.....	21	

## FINANCIAL STATISTICS.

	1863.	1864.
<b>RECEIPTS.</b>		
Balance on hand at beginning of school year.....		\$104,889 42
Amount of School Fund received from State.....	\$145,537 84	132,217 85
Decrease.....	\$13,319 99	
Amount of School Fund received from county taxes.....	135,343 92	144,876 51
Increase.....	\$9,532 59	
Amount of School Fund received from city taxes.....	203,481 95	154,912 46
Decrease.....	\$48,569 49	
Amount of School Fund received from district taxes.....	7,033 97	45,313 03
Increase.....	\$38,279 06	
Amount of School Fund received from miscellaneous sources.....	26,448 85	90,705 21
Increase.....	\$64,256 36	
Amount of School Fund received from rate bills and subscriptions.....	68,209 24	84,084 52
Increase.....	\$15,875 23	
Total receipts.....	<u>\$581,055 77</u>	<u>\$756,999 00</u>
<b>EXPENDITURES.</b>		
Amount paid teachers' salaries.....	\$328,338 02	\$411,101 01
Increase.....	\$82,762 99	
Amount paid for sites, buildings, repairs, etc. Increase.....	93,931 53	167,393 44
Increase.....	\$73,461 91	
Amount paid for rent, fuel, and contingent expenses.....	58,291 97	69,562 36
Increase.....	\$11,290 39	
Amount paid for school libraries.....	514 75	1,132 21
Increase.....	\$617 46	
Amount paid for school apparatus.....	2,271 97	6,010 84
Increase.....	\$3,738 87	
Total expenditures.....	<u>\$483,407 49</u>	<u>\$655,198 86</u>
Increase.....	\$171,791 37	
Balance.....	<u>\$97,648 28</u>	<u>\$101,800 14</u>

## MISCELLANEOUS FINANCIAL STATISTICS FOR 1863-64.

	1863.	1864.
Valuation of schoolhouses and lots.....	\$548,472 00	\$937,371 73
Increase .....	\$388,899 73	
Valuation of school libraries.....	3,605 00	4,136 10
Increase .....	\$531 10	
Valuation of school apparatus.....	14,666 00	13,959 36
Decrease.....	\$706 64	
Average monthly wages paid male teachers .....		73 88
Average monthly wages paid female teachers .....		54 91
Average monthly wages paid all teachers....		64 39
Amount paid for salaries of County Superintendents .....	20,240 00	24,990 00
Increase .....	\$4,750 00	
Average annual salaries of County Superintendents .....	440 00	595 00
Increase .....	\$155 00	
Amount paid for county subscriptions to "California Teacher".....	684 00	759 00
Increase .....	\$75 00	
Appropriation by State for support of State Normal School .....	6,000 00	8,000 00
Increase .....	\$2,000 00	

## COMPARATIVE STATISTICAL SUMMARY,

*Showing the increase of public schools for two years—1863 to 1865.*

	1863.	1865.
Number of white children between four and eighteen years of age.....	78,055	95,067
Increase.....	17,012	
Number of white children under twenty-one years of age .....	121,265	142,942
Increase.....	21,677	
Number of children reported as attending private schools.....	9,158	12,478
Increase.....	3,321	
Whole number of children enrolled on public school registers.....	36,540	50,089
Increase.....	13,549	
Average number belonging to public schools....	22,965	33,706
Increase.....	10,741	
Average daily attendance.....	19,992	29,592
Increase.....	9,600	

	1863.	1865.
Percentage of average daily attendance on the average number belonging.....	80	88
Increase.....	8	
Percentage of average daily attendance on the whole number enrolled.....	51	59
Increase.....	8	
Percentage of average daily attendance on the whole number of children between four and eighteen years of age.....	24½	31
Increase.....	6½	
Percentage of enrolment on the whole number in the State.....	46	53
Increase.....	7	
Average number of months during which schools were maintained.....	5.4	7.36
Increase.....	1.96	

## COMPARATIVE FINANCIAL STATISTICS,

*Showing the increase for the two years from 1863 to 1865.*

	1863.	1865.
RECEIPTS.		
Balance on hand at beginning of school year .....		\$85,623 78
Amount of School Fund received from State .....	\$145,537 84	168,828 71
Increase.....	\$23,290 87	
Amount of School Fund received from county taxes.....	135,343 92	166,839 67
Increase .....	\$30,795 75	
Amount of School Fund received from city taxes.....	203,481 95	273,853 34
Increase .....	\$70,371 39	
Amount of School Fund received from district taxes .....	7,033 97	71,152 15
Increase.....	\$64,118 18	
Amount of School Fund received from miscellaneous sources.....	26,448 85	95,550 89
Increase.....	\$69,102 04	
Amount of School Fund received from rate bills and subscriptions .....	68,209 24	91,181 93
Increase.....	\$22,972 69	
Total receipts.....	\$581,055 77	\$952,930 47
Increase.....	\$371,874 70	

	1863.	1865.
<b>EXPENDITURES.</b>		
Amount paid teachers' salaries.....	\$328,338 02	\$526,585 14
Increase.....	\$198,247 12	
Amount paid for sites, buildings, repairs, etc.	93,931 53	257,804 98
Increase.....	\$163,873 45	
Amount paid for rent, fuel, and contingent expenses .....	58,291 97	89,056 57
Increase.....	\$30,764 60	
Amount paid for school libraries.....	514 75	5,792 01
Increase.....	\$5,277 26	
Amount paid for school apparatus.....	2,271 97	3,777 86
Increase.....	\$1,505 89	
Total expenditures.....	\$483,407 49	\$883,116 86
Increase.....	\$399,709 37	
Balance.....	\$97,648 28	\$69,813 91

#### RECEIPTS AND EXPENDITURES.

The unexpended balance on hand at the beginning of the school year, September first, eighteen hundred and sixty-three, according to the reports of County Superintendents made in eighteen hundred and sixty-four, was one hundred and four thousand eight hundred and eighty-nine dollars.

According to the corrected returns made up in this department, the balance on hand at the close of the school year, August thirty-first, eighteen hundred and sixty-three, was ninety-six thousand dollars, or eight thousand dollars less. The same balance, according to the uncorrected reports of County Superintendents at the same time, was one hundred and ten thousand dollars, a variation of five thousand dollars; and according to reports of County Treasurers, one hundred and seventeen thousand dollars. These variations were so material that the exact balance must remain an "unknown quantity." In making up the report for eighteen hundred and sixty-four, the balance was taken as one hundred and four thousand eight hundred and eighty-nine dollars, as returned by County Superintendents.

The amount received from county taxes in eighteen hundred and sixty-four was one hundred and thirty-five thousand three hundred and forty-three dollars, an increase over eighteen hundred and sixty-three of nine thousand five hundred and thirty-two dollars. Amount from city taxes, one hundred and fifty-four thousand nine hundred and twelve dollars, showing a decrease over eighteen hundred and sixty-three of forty-eight thousand five hundred and seventy-nine dollars. This decrease was owing to the fact that the rate of city school tax in San Francisco was reduced from thirty-five cents to twenty-five cents, in consequence of the transferal of sixty thousand dollars from the General

Fund to the School Fund, which amount appears in the revenue from miscellaneous sources.

The balance on hand at the close of the school year, August thirty-first, eighteen hundred and sixty-four, was reported as one hundred and one thousand dollars; but in the reports for eighteen hundred and sixty-five, the total amount on hand September first, eighteen hundred and sixty-four, one day after, as reported by the County Superintendents, was only eighty-five thousand five hundred and twenty-three dollars and seventy-eight cents, a material difference, of sixteen thousand dollars. This discrepancy probably arises from the complicated accounts of eight hundred districts, it being next to impossible to ascertain the exact balance on hand at the end of the year. Still, it would be more satisfactory if the balances should make some approach to equality. The amount of State School Fund apportioned in eighteen hundred and sixty-four was one hundred and thirty-two thousand two hundred and seventeen dollars—thirteen thousand dollars less than in eighteen hundred and sixty-three; but in the apportionment of eighteen hundred and sixty-three was included seventeen thousand dollars which belonged to eighteen hundred and sixty-two, so that the School Fund showed an actual increase of four thousand dollars.

The amount received from the State School Fund in eighteen hundred and sixty-five was one hundred and sixty-eight thousand eight hundred and twenty-eight dollars and seventy-one cents, an increase over eighteen hundred and sixty-four of thirty-six thousand six hundred and ten dollars and eighty-six cents. In this amount is included the sum raised by the half-mill State school tax, which was fifty-five thousand dollars.

The total amount of State School Fund was equal to one dollar and seventy-seven cents for each child between four and eighteen years of age, of which the half-mill tax amounted to fifty-seven cents per child.

The amount received from county taxes was one hundred and sixty-six thousand eight hundred and thirty-nine dollars and sixty-seven cents; an increase over eighteen hundred and sixty-four of twenty-one thousand nine hundred and sixty-three dollars. Had all the counties levied the tax required by law, this amount would have been much greater.

Still, the amount raised was nearly equal to the State apportionment, being one dollar and seventy-five cents per child. The amount raised by city taxes was two hundred and seventy-three thousand eight hundred and fifty-three dollars and thirty-four cents, an increase over eighteen hundred and sixty-four of one hundred and eighteen thousand nine hundred and forty dollars and eighty-eight cents. This large increase was mainly owing to the higher rate of school tax in San Francisco. In eighteen hundred and sixty-four San Francisco raised one hundred and fifteen thousand nine hundred and eighty-seven dollars, and in eighteen hundred and sixty-five, two hundred and twenty-three thousand four hundred and eighty-nine dollars. The total amount, per school child, raised by city taxes, was two dollars and eighty-six cents for the whole State, and nine dollars and forty-seven cents for each child in the incorporated cities.

The amount per child, not including San Francisco, raised by county tax, was only two dollars and twenty-one cents, showing that the cities have supported schools much more liberally than the rest of the State.

The amount raised by district taxes voted by the people, was seventy-one thousand one hundred and fifty-two dollars; an increase over the

preceding year of twenty-five thousand eight hundred and thirty-nine dollars, or fifty-five per cent.

The amount raised by district taxes proper, in eighteen hundred and sixty-three, was only seven thousand and thirty-three dollars and ninety-seven cents, so that the increase in two years has been nine hundred per cent.

This voting of voluntary taxes by the citizens of small districts, is the best index of the great increase of interest in the schools, and of the great change of public opinion in their favor.

Prior to eighteen hundred and sixty-three, a district tax was almost as much a thing unknown as if the people had no right to vote such taxes.

*The principle that the property of the State shall educate the children of the State, was practically recognized in one hundred and eight districts last year, and resulted in raising seventy-one thousand dollars.* This is equal to one dollar and seven cents per child, not including the cities, and is equal to seventy-four cents for each school child in the State. When public opinion in favor of school taxation makes such radical advances as this, the future is full of hope.

The amount raised by rate bills was ninety-one thousand one hundred and eighty-one dollars, an increase over eighteen hundred and sixty-four of only seven thousand dollars, and over eighteen hundred and sixty-three of only thirteen thousand dollars. The slower the increase of figures in this column the better for the schools.

In eighteen hundred and sixty-two, more than one hundred and thirty thousand dollars was raised by rate bill tax on the children, fully equal to the amount raised by county tax. The amount raised by rate bills last year was only half the sum raised by county tax. The average amount per child, raised by rate bills last year, was ninety-six cents; and the average per child in the rural districts, leaving out the cities, one dollar and thirty-eight cents.

The amount derived from miscellaneous sources was ninety-five thousand five hundred and fifty dollars, of which seventy-four thousand dollars belonged to San Francisco, and the remainder mostly to the cities. The revenue from this source amounts to one dollar for each school child.

The following table exhibits, at a glance, the amount of school revenue derived from the various sources for each child between four and eighteen years of age:

From balance on hand at beginning of year .....	\$ 90
From interest on State School Fund .....	1 20
From half-mill State tax .....	57
From county school taxes.....	1 75
From city taxes.....	2 86
From district taxes.....	74
From rate bills.....	96
From miscellaneous sources.....	1 00
Loss from fractional cents.....	4
<b>Total amount from all sources.....</b>	<b>\$10 02</b>

This is an increase over eighteen hundred and sixty-four of one dollar and thirty-two cents per child, and over eighteen hundred and sixty-three of two dollars and fifty-eight cents. The amount for each child enrolled on the public school registers is nineteen dollars and twenty-two cents, and for the average number belonging to school twenty-five dollars and twenty-eight cents per child.

The amount paid for teachers' salaries was five hundred and twenty-six thousand five hundred and eighty-five dollars, an increase over eighteen hundred and sixty-four of one hundred and fifteen thousand four hundred and eighty-four dollars, and over eighteen hundred and sixty-three of one hundred and ninety-eight thousand two hundred and forty-six dollars—an increase of sixty per cent, while the number of teachers has increased in the same time only fifteen per cent.

The amount paid to teachers for salaries makes an average tuition of ten dollars and fifty cents a year for each child enrolled on the school registers. On the basis of the average number which belong to the public schools, the average annual tuition is fifteen dollars and sixty cents, or one dollar and fifty-six cents per month.

The amount expended for schoolhouses and repairs was two hundred and fifty-seven thousand eight hundred and four dollars, an increase over eighteen hundred and sixty-four of ninety thousand four hundred and eleven dollars, and over eighteen hundred and sixty-three of one hundred and sixty-three thousand eight hundred and seventy-three dollars. The amount expended in eighteen hundred and sixty-three was only forty-nine thousand dollars.

Of the amount so expended, San Francisco claims one hundred and forty-four thousand dollars; Sacramento, sixteen thousand dollars; Stockton, nineteen thousand dollars; the cities together, one hundred and eighty-three thousand dollars; and the other parts of the State, seventy-four thousand dollars.

In San Francisco, Sacramento, and Stockton, the cost of schoolhouses was greater than the amount paid to teachers for salaries. The total amount of expenditures was eight hundred and eighty-three thousand one hundred and sixteen dollars. The amount of the various expenditures per school child was as follows:

For teachers' salaries .....	\$5 54
For schoolhouses .....	2 71
For rent, fuel, and contingent expenses.....	94
For school libraries.....	6
For apparatus.....	4
<b>Total .....</b>	<b>\$9 29</b>

#### WHAT OUR PUBLIC SCHOOLS HAVE COST.

In an appendix to this report will be found a carefully prepared statistical exhibit, showing the amount of receipts and expenditures for public school purposes since the organization of the public school system

of this State. These tables have been prepared at a cost of two months labor of myself and clerk, and extra clerks, and are as accurate as it is possible to make them from the original records.

For a period of five years these tables were compiled from the original reports of county officers on file in the office, but never published in printed form. As this exhibit is made by counties, it will be a valuable record for each County Superintendent's office in the State. The cost of the public schools of California, as shown by these tables, from eighteen hundred and fifty-two to eighteen hundred and sixty-five, inclusive, is as follows:

Total amount derived from the State School Fund .....	\$1,072,928	
Total amount raised by city and county taxes .....	2,762,426	
Total amount raised by rate bills and subscriptions .....	983,625	
Total amount from miscellaneous sources, not included in the tabular statement.....	675,654	
		\$5,496,633
Expended for teachers' salaries.....	\$3,410,182	
Expended for schoolhouses and sites.....	1,293,434	
Expended for miscellaneous and contingent expenses, not included in the tables.....	793,017	
		\$5,496,633

To this amount, as shown by receipts and expenditures reported in the school returns, may be added the following expenditures by the State, not included in the preceding:

Salaries of State Superintendents.....	\$51,500
Office and contingent appropriations to the Department of Public Instruction.....	24,000
Printing State school reports, blanks and forms, (estimated) .....	30,000
Appropriations to State Normal School.....	20,000
Appropriations to State Institutes.....	3,000
Salaries of County Superintendents, paid by counties out of the County General Fund, and not reported until 1863, (estimated) .....	200,000
	\$328,500
Add to this.....	5,496,633
And we have as a grand total of expenditures.....	\$5,825,133

The amount expended for private schools and seminaries of learning, at a low estimate, must have been one half as great, and the total expenditures for educational purposes, both in public and private schools

in this State since its organization, may safely be set down as not less than eight million seven hundred and thirty-seven thousand dollars.

The total cost of the State government, according to the report of the State Controller for eighteen hundred and sixty-three, up to that time was seventeen million one hundred and fifty-seven thousand dollars; estimating the expense for two years since at two million five hundred thousand dollars, and the total cost is nineteen million six hundred and fifty-seven thousand dollars. Of this sum the State Prison has cost one million seven hundred and fifty-five thousand dollars.

### PUBLIC SCHOOL PROPERTY.

The total valuation of school lots, schoolhouses, and school furniture, for eighteen hundred and sixty-five, was one million four thousand dollars; an increase over eighteen hundred and sixty-four of sixty-seven thousand dollars, and over eighteen hundred and sixty-three of four hundred and fifty-five thousand dollars. A part of this large increase is owing to the fact that the value of school lots in San Francisco was not returned prior to eighteen hundred and sixty-four. Of the total value, San Francisco claims one half, or five hundred thousand dollars. These estimates are roughly made, and must be considered as only an approximation to real values. For instance: the total value of school property in San Francisco is reported for eighteen hundred and sixty-five as fifty thousand dollars less than eighteen hundred and sixty-four, notwithstanding the fact that the Lincoln school building has been erected during the year at a cost of one hundred thousand dollars.

The total amount expended by the State for schoolhouses and sites since eighteen hundred and fifty-two, according to the returns to this department, is one million two hundred and ninety-three thousand dollars, of which one fifth was expended in eighteen hundred and sixty-five, and one eighth in eighteen hundred and sixty-four. In eighteen hundred and fifty-two the expenditure was nine thousand dollars, and in eighteen hundred and fifty-three, six thousand dollars. The whole amount so expended is a little more than one fifth of the whole expense of the schools.

The valuation of school apparatus is returned at fourteen thousand dollars, showing no material increase since eighteen hundred and sixty-three. Of this value, San Francisco reports three thousand dollars. School libraries are valued at six thousand four hundred and seventy-two dollars; an increase of three thousand dollars since eighteen hundred and sixty-three. An expenditure of six and a half cents per child for school libraries since eighteen hundred and fifty-two does not show a very lively appreciation of the value of books in public schools.

The total valuation of the various colleges, college schools, and seminaries of learning, from such statistics as I have been able to gather, at a low estimate, is not less than one million five hundred thousand dollars. In the institutions included in this estimate not more than two thousand pupils are educated, while the attendance on public schools, whose value is returned as one million dollars, fifty thousand children receive instruction.

In view of these facts it cannot be asserted that the State has been

extravagant in the matter of building public schoolhouses, as compared with the large amount invested in private institutions and colleges.

## COMPARATIVE COST OF PUBLIC AND PRIVATE SCHOOLS.

The total valuation of public school property in the State, as returned, was one million seven thousand dollars, which estimate may safely be increased to one million two hundred thousand dollars, making my own estimates of schoolhouses and lots in San Francisco. The amount of money invested in colleges and private institutions cannot be estimated at less than one million five hundred thousand dollars.

The average cost of tuition for each child enrolled on the public school registers was ten dollars and fifty cents a year; and taking the average number belonging to school, twelve dollars and fifty cents a year. The total amount paid for salaries of teachers was four hundred and eleven thousand dollars.

Including cost of schoolhouses, furniture, and all incidental expenses, the average cost per child was thirteen dollars and ten cents for the total enrolment, and for the average number belonging, twenty-five dollars per child.

The school census reported twelve thousand children attending private schools. Of this number, probably two thousand attend college schools and seminaries, in which five dollars a month, or fifty dollars a year, is a very low estimate of the average tuition. Six thousand more probably attend schools eight months in the year, where the average tuition is two dollars and fifty cents a month, or twenty dollars per annum. The remaining four thousand may safely be set down as attending small primary schools eight months in the year, at the low rate of one dollar and fifty cents a month, or twelve dollars a year.

The amount paid for tuition would stand as follows:

2,000 pupils @ \$50 per annum .....	\$100,000
6,000 pupils @ \$20 per annum .....	120,000
4,000 pupils @ \$12 per annum .....	48,000
Total.....	\$268,000

This would give an average expense for tuition alone, of twenty-one dollars and sixty-six cents per pupil.

The extra charges in private schools for music, drawing, French, and other branches, frequently amount to quite as much as the average tuition for English branches; therefore, it will be safe to add to the two hundred and sixty-eight thousand dollars, as estimated above, fifty thousand dollars, making the whole amount three hundred and eighteen thousand dollars.

Add this to the public school tuition, and the whole amount of money paid to teachers for educating sixty-two thousand children in this State, is seven hundred and twenty-nine thousand dollars. But the tuition paid is only a part of the expense.

Including all expenses in the public schools, and in the private schools, incidental expenses, without board, and for both public and private schools, the cost of books for pupils, which is not less than two dollars per child, we have a grand total of at least one million three hundred and eighty-three thousand dollars.

## COMPARISON WITH OTHER STATES.

The reports and school statistics of different States are so dissimilar that it is not easy to make comparisons between them. The public schools of California constitute the picket guards of the great army on the other side of the Rocky Mountains—pushed across the continent, and stationed on the outer rim of the republic—and it can hardly be expected that any comparison will be favorable to us.

The total school expenditure of California last year for each child between four and eighteen years of age, was nine dollars and twenty-nine cents. According to the Massachusetts report of eighteen hundred and sixty-four, the average expenditure for each child between three and fifteen years of age, was six dollars and thirty-eight cents, exclusive of the cost of schoolhouses. Deduct from California the amount expended for schoolhouses, and the rate is reduced to six dollars and fifty-eight cents—twenty cents per child more than Massachusetts. In New York the school census includes all persons between five and twenty-one years of age, and her expenditure amounted to four dollars and twenty cents per "child."

Taking the total school enrolment as a basis, California expended thirteen dollars and twenty cents per pupil; New York, five dollars and ten cents; Pennsylvania, three dollars and seventy-three cents; Ohio, three dollars and ninety-four cents; Vermont, four dollars and thirty-six cents; Wisconsin, three dollars; Iowa, three dollars and thirteen cents; Nevada, five dollars and sixty cents; and Massachusetts, not including schoolhouses, seven dollars and fifty cents.

California, with a school enrolment of only fifty thousand, expended in eighteen hundred and sixty-five for schoolhouses, two hundred and fifty-eight thousand dollars, or five dollars and sixteen cents per pupil, while Pennsylvania, with an enrolment of six hundred and thirty-eight thousand, expended in eighteen hundred and sixty-four only three hundred and eighty-eight thousand dollars.

New York, with a school enrolment of eight hundred and eighty-one thousand, expended for schoolhouses in eighteen hundred and sixty-four, seventy-two cents per child. Ohio, with a school enrolment of six hundred and ninety-four thousand, paid for building purposes only three hundred and seventeen thousand dollars.

It is evident that one cause of the greater cost of our schools per pupil is the expense of building new schoolhouses.

The annual cost of tuition in California is ten dollars and fifty cents per pupil enrolled; in Pennsylvania, two dollars and sixty-five cents; in New York, three dollars and fifty-one cents; in Ohio, three dollars.

California, with an assessment roll of one hundred and eighty millions of dollars, raised by school taxes of all kinds three hundred and sixty-five thousand dollars, an amount equal to a tax of two and two one-hun-

dredths mills on each dollar. Massachusetts, with an assessment roll of eight hundred and ninety-five millions of dollars, raised one million five hundred and thirty-six thousand dollars, equal to a tax of one and seventy-two one-hundredths mills on the dollar.

Without further comparisons, the following table, prepared from the latest reports of eighteen hundred and sixty-four and eighteen hundred and sixty-five, showing the school expenditures and the number of pupils enrolled for each State in the Union, will exhibit at a glance the relative standing of California, and the importance and vast proportions of our American system of public instruction.

COMPARATIVE TABLE

*Showing the total enrolment on School Registers, and the Public School expenditures in the United States, compiled from the State School Reports of 1864 and 1865.*

States.	No. Enrolled.	Am't Expended.
Maine .....	107,000	\$887,000
New Hampshire.....	85,000	273,000
Vermont .....	75,000	327,000
Massachusetts.....	226,000	1,679,000
Rhode Island.....	28,000	175,000
Connecticut .....	77,000	408,000
New York .....	881,000	4,550,000
New Jersey.....	178,000	621,000
Pennsylvania.....	710,000	2,390,000
Ohio.....	694,000	2,738,000
Illinois .....	574,000	2,200,000
Indiana .....	390,000	892,000
Kentucky .....	126,000	254,000
Michigan .....	211,000	878,000
Wisconsin .....	215,000	815,000
Iowa .....	210,000	769,000
Minnesota, (estimated).....	40,000	200,000
Kansas.....	23,000	112,000
Nevada .....	1,278	72,000
California .....	50,000	883,000
Oregon, (estimated) .....	8,000	50,000
Utah Territory, (estimated).....	3,000	25,000
Maryland, (estimated) .....	10,000	125,000
Delaware, (estimated).....	5,000	50,000
District of Columbia, (estimated).....	3,000	75,000
Missouri, (estimated) .....	35,000	200,000
Louisiana, (estimated).....	20,000	150,000
West Virginia, (estimated).....	8,000	100,000
Reconstructed States, (no reports).....		
Totals .....	4,993,278	\$21,915,000

## COMPARISON BETWEEN INCORPORATED CITIES AND RURAL DISTRICTS.

Statistical Table Number Thirteen shows, for the first time in a State report from this department, a detailed statement of the schools of all the incorporated cities in California which have special Boards of Education; and also a comparative statement of the cities with the country districts, villages, and towns, which for convenience are classed together as "rural districts." The following cities are included in the list: San Francisco, Sacramento, Stockton, San José, Marysville, Placerville, Nevada, Los Angeles, and Oakland. A comparison between the totals for these cities and the rest of the State cannot fail to be of interest.

The whole number of children between four and eighteen years of age was:

	In 1865.
Cities.....	28,899
Rural districts .....	66,168
Total .....	95,067

The total number of pupils enrolled on the public school registers was:

	In 1865.
Cities.....	13,529
Rural districts .....	36,560
Total .....	50,089

The average number belonging to school and the average daily attendance were, in eighteen hundred and sixty-five:

	Average number belonging.	Average daily attendance.
Cities .....	10,252	9,317
Rural districts.....	23,454	20,275
Totals .....	33,706	29,592



The percentage of attendance on the whole number belonging, in the cities, was eighty-nine; in the rural districts, eighty-eight. The average length of school, in calendar months, in the cities, ten and four ninths; in the rural districts, seven and three tenths.

The total expenditures for schools were:

	In 1865.
Cities .....	\$450,160
Rural districts.....	432,956
Total .....	\$883,116

From which it appears that while the cities contain only thirty per cent of the children, and have only thirty per cent of the whole attendance, they pay for their schools fifty-one per cent of the total expenditure.

The amount paid for salaries of teachers was:

	In 1865.
Cities .....	\$188,712
Rural districts....	337,872
Total .....	\$526,585

Which was an average monthly tuition, taking the average number belonging, of one dollar and seventy six cents for the cities, and for the country, of one dollar and ninety seven cents a month, taking into consideration also the average number of months school was maintained.

The reason of the higher average cost of tuition in the country districts is the large number of small schools, numbering only from fifteen to thirty pupils, and not because the teachers are paid higher salaries.

The amount expended for schoolhouses, sites, repairs, and furniture, was:

	In 1865.
Cities.....	\$183,241
Rural districts.....	74,563
Total .....	\$257,804

Showing that the cities expended seventy-one per cent of the whole amount paid for schoolhouses. The whole number of new schoolhouses

erected was one hundred and two, of which the cities claim five, and the rest of the State, ninety-seven.

The total cost of new schoolhouses was one hundred and ninety-five thousand dollars. The Lincoln Schoolhouse in San Francisco cost twenty-five thousand dollars more than the ninety-seven houses built in the rural districts of the State.

The amount received from the apportionment of the State School Fund was:

	In 1865.
Cities.....	\$53,154
Rural districts.....	115,673
Total .....	\$168,828

The amount raised by city and county taxes was:

	In 1865.
Cities.....	\$298,864
Rural districts.....	141,828
Total.....	\$440,693

The amount raised by rate bills was:

	In 1865.
Cities.....	\$2,248
Rural districts.....	88,933
Total.....	\$91,181

### SCHOOL CHILDREN.

According to the returns of the School Census Marshals, which were made with great care, the total number of white children in the State between the age of four and eighteen, in the month of July last, was ninety-five thousand and sixty-seven, an increase over eighteen hundred and sixty-four of eight thousand two hundred and thirty-six, and over eighteen hundred and sixty-three of seventeen thousand and twelve.

From eighteen hundred and fifty-four to eighteen hundred and fifty-nine, the annual increase of children between these ages was about five thousand, since which time the increase has been greater, but quite uniform, with the exception of eighteen hundred and sixty-two, as shown by the following table :

Years.	Increase.
Eighteen hundred and fifty-nine.....	8,146
Eighteen hundred and sixty.....	9,241
Eighteen hundred and sixty-one.....	10,178
Eighteen hundred and sixty-two.....	3,426
Eighteen hundred and sixty-three.....	6,234
Eighteen hundred and sixty-four.....	8,776
Eighteen hundred and sixty-five.....	8,236

Of the ninety-five thousand and sixty-seven children in eighteen hundred and sixty-five, forty-six thousand seven hundred and sixty-seven were girls, and forty-eight thousand three hundred boys. The number of children under four years of age was forty-two thousand seven hundred and thirty-three, being an increase over eighteen hundred and sixty-four of one thousand four hundred and ten, and over eighteen hundred and sixty-three of three thousand six hundred and fifty-two. In eighteen hundred and fifty-eight the number of children under four years of age was twenty-three thousand five hundred and fifty-eight, since which time the annual increase has been quite irregular, varying from one thousand five hundred to four thousand five hundred. The number of youth, classed as children, between eighteen and twenty-one, was five thousand one hundred and forty-two, an increase over eighteen hundred and sixty-three of six hundred and ninety-nine, and over eighteen hundred and sixty-four of three hundred and fourteen.

The total number of children and youth under twenty-one years of age is one hundred and forty-two thousand nine hundred and fifty-two, an increase over eighteen hundred and sixty-four of ten thousand seven hundred and forty-five, and over eighteen hundred and sixty-three of twenty-one thousand six hundred and seventy-seven. This increase does not indicate any decrease of families in the State during the past two years, however the floating population may have fluctuated.

The annual increase of children under twenty-one years of age since eighteen hundred and sixty, when the number was ninety-two thousand eight hundred and fourteen, is as follows :

Years.	Increase.
Eighteen hundred and sixty-one.....	14,823
Eighteen hundred and sixty-two.....	7,031
Eighteen hundred and sixty-three.....	6,597
Eighteen hundred and sixty-four.....	10,932
Eighteen hundred and sixty-five.....	10,345

Of the whole number under twenty-one, in eighteen hundred and sixty-five, ninety-two thousand eight hundred and seventy-nine, or nearly two thirds of the whole, were reported as having been born in California.

The following table shows the annual increase of children born in California since eighteen hundred and fifty-eight, when the number was first reported :

Years.	Born in Cal.	Increase.
Eighteen hundred and fifty-eight.....	33,544	.....
Eighteen hundred and fifty-nine.....	41,450	7,906
Eighteen hundred and sixty.....	51,361	9,911
Eighteen hundred and sixty-one.....	59,644	8,293
Eighteen hundred and sixty-two.....	70,734	11,090
Eighteen hundred and sixty-three.....	74,835	4,101
Eighteen hundred and sixty-four.....	80,714	5,879
Eighteen hundred and sixty-five.....	92,879	12,165

It is fortunate for the health and physical development of the children, that out of nineteen thousand and one, between four and six years of age, only five thousand and fifty-four are admitted to the public schools; but large numbers of that age in the cities attend the private schools, because excluded by law from the public schools.

Children under six years of age, except in the rural districts, ought not not to be confined in crowded rooms.

The whole number of children reported by the Census Marshals in July as attending public schools was forty-one thousand three hundred and seventy-six; but this does not include the whole number who have attended during the year, as many parents reported only the children who happened to be in attendance at that time. This was an increase over eighteen hundred and sixty-four of seven thousand two hundred and one, and over eighteen hundred and sixty-three of eleven thousand nine hundred and sixty. According to the returns from the school registers, the whole number of different pupils enrolled was fifty thousand, which represents the whole number who have attended the public schools at any time during the year.

The number reported by the Census Marshals as attending private schools was twelve thousand four hundred and seventy-eight, of whom nearly half belong to San Francisco.

The Census Marshals report twenty thousand four hundred and forty-one children between six and eighteen years of age as not attending any school. In this statement is included a large number who may have attended at some time during the year, but who were out of school at the time of taking the census. Out of this number one fourth, or five thousand, are between the ages of fifteen and eighteen years, and are not properly due at school; five thousand more may be deducted as out of school on account of sickness, or out of school in July, but who had attended at some time during the year—leaving only ten thousand children not attending school. Of this number one thousand in San Francisco would be glad to attend school if the city would furnish schoolhouses. At least two thousand more live in sparsely settled parts of the State, where it is impossible for them to be sent to school.

We can estimate the number due at school, who are not attending, from a comparison of other statistics.

The whole number between four and eighteen years of age is ninety-five thousand and sixty-seven; deducting nineteen thousand between four and six years of age, and there remains seventy-one thousand children of school ages who ought to be at school. From the fifty thousand enrolled on public school registers take the five thousand in attendance between four and six years of age, and there remain forty-five thousand children between six and eighteen years of age who attended the public schools at some time during the year. Add to this the number attending private schools, reported as twelve thousand four hundred and seventy-eight, but which may safely be increased to fourteen thousand, and there remain twelve thousand children of school age who did not attend school during the year. Deducting from this number five thousand between fifteen and eighteen years of age, and two thousand living in sparsely settled districts, and there remain five thousand children due at school who are not attending school.

#### STATISTICS FROM SCHOOL REGISTERS.

The State school registers have been used in all the public schools of the State, and the returns of teachers may be considered as reliable as it is possible to secure such returns.

The whole number of pupils enrolled for eighteen hundred and sixty-five was fifty thousand and eighty-nine, an increase over eighteen hundred and sixty-four of only two thousand five hundred and one.

This small increase is owing to the fact that in eighteen hundred and sixty-four San Francisco reported an enrolment of ten thousand pupils, and in eighteen hundred and sixty-five only seven thousand eight hundred and eighty-five. This difference arose from a change in making annual reports, the returns of eighteen hundred and sixty-four showing no deduction for double enrolment of pupils in different schools, and the returns of eighteen hundred and sixty-five failing to show the true total of different pupils enrolled.

The average number belonging to school was thirty-three thousand seven hundred and six, an increase over eighteen hundred and sixty-four of four thousand six hundred and forty-five, and over eighteen hundred and sixty-three of ten thousand seven hundred and forty-one.

Out of the average number belonging to school, thirty-three thousand seven hundred and six, San Francisco reports seven thousand two hundred and thirty-nine, and Sacramento one thousand two hundred and seventeen, and all incorporated cities together, ten thousand two hundred and fifty-two. These figures indicate accurately the great increase in attendance on the public schools. *While the number of school children between four and eighteen years of age in the State has increased twenty-six per cent since eighteen hundred and sixty-three, the average number attending public schools has increased in the same time FORTY-SIX PER CENT.*

*During the last year the increase of census children was nine and one half per cent, and of attendance on public schools sixteen per cent.*

#### AVERAGE DAILY ATTENDANCE.

The average daily attendance at the public schools was twenty-nine thousand five hundred and ninety-two, an increase over eighteen hundred and sixty-four of four thousand eight hundred and eighty-eight, and over eighteen hundred and sixty-three of nine thousand six hundred, or nearly fifty per cent in two years. The average daily attendance on the public schools of this State since first reported in eighteen hundred and fifty-three is shown by the following table:

Years.	Average daily attendance.	Increase.
Eighteen hundred and fifty-three.....	2,020	.....
Eighteen hundred and fifty-four.....	4,635	2,615
Eighteen hundred and fifty-five.....	6,422	1,787
Eighteen hundred and fifty-six.....	8,495	2,073
Eighteen hundred and fifty-seven.....	9,717	1,322
Eighteen hundred and fifty-eight.....	11,183	1,466
Eighteen hundred and fifty-nine.....	13,364	2,281
Eighteen hundred and sixty.....	14,754	1,390
Eighteen hundred and sixty-one.....	17,804	3,050
Eighteen hundred and sixty-two.....	19,262	1,458
Eighteen hundred and sixty-three.....	19,992	730
Eighteen hundred and sixty-four.....	24,794	4,802
Eighteen hundred and sixty-five.....	29,592	4,798

The percentage of attendance on the whole number belonging to school shows an increase from eighty-one per cent in eighteen hundred and sixty-four to eighty-eight per cent in eighteen hundred and sixty-five, a gain of seven per cent. This indicates a great improvement in regularity of attendance.

The percentage of attendance in San Francisco is ninety-two, but little higher than that for the whole State.

The percentage of daily average attendance on the total enrolment on the school registers was fifty-nine, a gain of eight per cent over eighteen hundred and sixty-four, and two per cent higher than that of Ohio.

The ratio of the average attendance to the whole number enrolled during the year, is expressed by the decimal sixty-seven one-hundredths, showing a gain of six tenths over eighteen hundred and sixty-four, and of sixteen one-hundredths over eighteen hundred and sixty-three. The same percentage in the old and wealthy State of Pennsylvania was only six hundred and twenty-six one-thousandths.

The percentage of enrolment in the public schools on the whole number of children in the State between four and eighteen years of age is fifty-three, while the same percentage of the number attending private schools is less than seven.

## NUMBER OF SCHOOLS.

The whole number of school districts is eight hundred and thirty one, an increase over eighteen hundred and sixty-four of seventy-two, and over eighteen hundred and sixty-three of one hundred and forty-seven.

The whole number of schools is nine hundred and forty-seven, a gain of one hundred and fifteen over eighteen hundred and sixty-four, and of one hundred and ninety-three over eighteen hundred and sixty-three. A "school," as returned by the country districts, means one class taught by one teacher; but from cities, as in San Francisco, one "school" may include, as in the Lincoln School, fifteen teachers and one thousand pupils. Reckon each class of sixty pupils as a school, and San Francisco would be reported with one hundred and fifty schools instead of thirty-five.

There are only four regularly organized high schools in the State, three of which are in San Francisco and one in Sacramento. In Petaluma and Placerville, advanced classes have been organized in connection with the grammar schools, by which the foundation of high schools has been laid.

The City of Los Angeles is about to establish a high school, and the City of San José is much in need of one.

## AVERAGE LENGTH OF SCHOOLS.

The average number of months during which school was maintained for the year ending August thirty-first, eighteen hundred and sixty-five, was seven and thirty-six one-hundredths calendar months, an increase over eighteen hundred and sixty-four of forty-six one-hundredths of a month, and over eighteen hundred and sixty-three of eighty-six one-hundredths of a month.

When we consider the depressed condition of business in the State during the past two years, the disastrous effects of the drought in most parts of the State, and the fact that the school year closed before the harvesting of the bountiful crops of this year, we may well feel proud that the people, under all the burdens of heavy taxation, and in spite of the pressure of hard times, have increased the average length of schools nearly one month, and have placed California second in that respect to only two States in the Union. It shows a faith of the people in public schools, which is full of hope for the future.

The reports of eighteen hundred and sixty-four and eighteen hundred and sixty-five show the following average length of schools in other States, in which, generally, four school weeks are reckoned as a month, making a small gain in their favor over this State, in which calendar months are reported:

States.	Average length in months.
Massachusetts.....	7.8
Nevada.....	7.4
California.....	7.36
New York.....	7.36
Illinois.....	6.5
Ohio.....	6.28
Vermont.....	6
Pennsylvania.....	5.8
Wisconsin.....	5.5
Maine.....	5.7
Kansas.....	4
Kentucky.....	4.3
New Hampshire.....	5.7
Indiana.....	4.3

Should the minimum rate of county tax be raised to three dollars per child instead of two dollars, the average length of the schools would be made about eight months, and the State ought to be satisfied with nothing less.

The number of schools maintained less than three months, the minimum requisition of the law, was only seventeen in eighteen hundred and sixty-four, and was reduced to eight in eighteen hundred and sixty-five, and these were new schools, set off from others late in the year.

The number of schools maintained only three months has been reduced from one hundred and forty-nine in eighteen hundred and sixty-four, to seventy-eight in eighteen hundred and sixty-five; a reduction, in the right direction, in two years, of seventy-one schools, and from eighteen hundred and sixty-three, of one hundred and twenty-one schools.

The number of schools kept open more than three and less than six months was two hundred and seventy-seven, a gain over eighteen hundred and sixty-four, of seventy-five schools. The number kept open from six to nine months was two hundred and sixty; a gain over eighteen hundred and sixty-four of sixty-three, and over eighteen hundred and sixty-three, of one hundred and three schools. The number maintained nine months and over was two hundred and forty-four in eighteen hundred and sixty-five, a gain over eighteen hundred and sixty-four of forty schools, and over eighteen hundred and sixty-three of one hundred and thirty. Counting each class of fifty pupils in San Francisco a "school," the whole number of schools kept open from nine to ten months will be swelled to three hundred and sixty. Including the other cities on the same basis, this number would be increased to four hundred, and would show that about twenty thousand children out of the average number belonging to public schools in the State—thirty-three thousand—attend school nine months in the year. These figures show an advancement that is truly encouraging.

## FREE SCHOOLS.

The number of free schools maintained without resort to rate bills last year was two hundred and ninety-three, an increase over eighteen hundred and sixty-four of thirty-six schools, and over eighteen hundred and sixty-three, of seventy-eight. But, counting each class in the cities a "school," we shall have four hundred and fifty-three free schools, including an attendance of more than half the children in the State.

Thus the State is slowly establishing free schools on the great foundation principle of our American system of education, that property shall be taxed for the support of schools. Let the minimum county tax be fixed at three dollars per child, and more than two thirds of the schools will be made free in two years.

## TEACHERS' WAGES.

The average monthly wages paid to male teachers last year was seventy-four dollars, the same as in eighteen hundred and sixty-four; while the average monthly wages paid to female teachers, according to the returns, was sixty-two dollars, being an increase over eighteen hundred and sixty-four of seven dollars and nine cents. As the number of male and female teachers is nearly equal, the average wages of all teachers will be about sixty-eight dollars per month, an increase of three dollars and eighty-eight cents over eighteen hundred and sixty-four. Teachers are paid only for the time actually engaged in teaching; and as the average length of schools is seven and thirty-six one-hundredths months, their average salary is five hundred dollars; or, dividing the whole amount paid during the year for salaries, five hundred and twenty-six thousand five hundred and eighty-five dollars, by the whole number of schools, counting each class in San Francisco a school, the same result is obtained, five hundred dollars per annum.

The average price of board may be considered as twenty-five dollars per month, or three hundred dollars a year, which would leave an annual salary of two hundred dollars exclusive of board. This is a low average as compared with other occupations in this State; yet, in comparison with the wages of teachers in other States, it is a fair compensation.

The salaries of female teachers are higher than in any other State in the Union. Few States pay female teachers so high wages as Massachusetts; yet there the average rate is nineteen dollars and thirty-seven cents a month—say nine dollars and thirty-seven cents, exclusive of board.

In California the rate is sixty-two dollars per month, or thirty-seven dollars, exclusive of board, or four times as much, exclusive of board, as in Massachusetts.

The average rate of wages for female teachers in Maine is eight dollars and seventy-six cents per month, exclusive of board, making an annual salary, above expense of board, of forty-three dollars and eighty cents.

It may be well for female teachers in this State, who think they are underpaid, to compare the two rates. The average rate in the wealthy

State of Pennsylvania is only twenty dollars and sixteen cents, about ten dollars a month, exclusive of board. For the purpose of comparison I have gathered the following statistics of the average wages paid both male and female teachers in different States, from the reports of eighteen hundred and sixty-four and eighteen hundred and sixty-five:

STATES.	Average salary, per month, of Male Teachers.....	Average salary, per month, of Female Teachers.....	Average length of Schools —in months.....
Massachusetts.....	\$46 78	\$19 37	7.6
Pennsylvania.....	23 94	20 16	5.6
Connecticut.....	33 00	18 00	7.5
Michigan.....	34 00	16 33	6.2
Ohio.....	28 25	17 95	6.28
Vermont.....	26 48	14 16	6
Maine.....	31 00	14 76	5.7
Iowa.....	25 12	17 60	4
Wisconsin.....	26 56	17 62	5.5
Indiana.....	42 11	27 72	4.3
New Hampshire.....	26 99	15 40	5.7
Illinois.....	30 00	19 48	6.5
California.....	74 00	62 00	7.36

It will be borne in mind that wages in California are paid in gold, instead of currency as in other States, which will make a partial offset against the higher cost of living in this State.

The average monthly wages of female teachers in these States is about twenty dollars; of male teachers, thirty-four dollars; while, in California, male teachers are only paid a fraction more than one sixth higher monthly wages than female teachers.

I am proud of the fact that in this new State the rights of female teachers are thus regarded; that, when found capable of doing a man's work in school, woman is paid a compensation so nearly the same. I hope this may long continue, and that many schools now taught by men will be placed under the instruction of refined, accomplished, intelligent, and enthusiastic women.

The demand for good teachers in this State is steadily increasing, and there are many positions outside of San Francisco where male teachers are paid one thousand dollars a year, and female teachers seven hundred dollars and eight hundred dollars.

Since eighteen hundred and sixty-three, the average length of schools has been increased one month, which is equivalent to a very material average increase of salary. The average length of all the schools of the State is seven and one third calendar months—greater than in most other States—which materially increases the relative rate of wages.

The rates of compensation will go still higher, if the State can secure a body of professional teachers who shall be worth paying for.

If the examinations are loosely conducted, and the schools allowed to fall into the hands of unfledged pretenders, and raw recruits, wages will be cheap, and the schools correspondingly poor. We have here no "summer schools," to be taught by school girls, and no "winter schools," to be instructed by "freshmen" from colleges; the future demand will be for Normal School graduates, and thoroughly trained teachers holding State diplomas and certificates of this and other States. For such teachers California is able and willing to pay.

It has been my sanguine hope for many years that in this new State teaching might aspire to the dignity of a profession; that teachers might learn to combine their strength, respect themselves, command the respect of others, and honor their occupation. I have lived already to see the promise of the future. It has been and is my highest ambition to elevate the profession of teaching, for I well know that in no other way can the public schools be made the great educators of the State and the nation. If the citizens of this State desire to have good schools they must pay professionally trained teachers high salaries. If they want talent they must buy it.

The admission of teachers into the occupation is virtually in the hands of the teachers in this State now engaged in teaching. Elevate the standard of admission, and the occupation will soon become a respectable business. It will soon be better paid than brute labor. No occupation is more laborious; none wears out muscle and brain faster. It is only in the vigor of early manhood that a man can follow his profession. Shall he, then, be paid no more than the mechanic, or the day laborer who shovels sand on the streets? The brain labor of the skilful teacher ought to be as well paid as the brain labor of the lawyer, the physician, the clergyman, the editor. He ought to dress as well and live as well. His profession ought to cost him, and often does, as much time and money as other professions. He ought to be paid a salary sufficient to enable him to supply himself with a library, and the periodical literature of the day. He should have a salary sufficient to enable him to live respectably, dress neatly, and move in the intelligent circles of society like other educated men. He should be paid enough to support a family. Teachers well paid can devote all their time and energies to the schools. They are not greater philanthropists than their neighbors whose children they educate. None of them teach from pure love of teaching. They do their duty, and expect their pay for it; it is the way in which they earn their living. They ought not to be expected to break mental bread to the children of others and feed their own with stones. Good teachers are not to be estimated by their daily salary of five dollars. Persons enough could be found in the State at half the present rates, but the people would be the losers. It is the teachers who give character and efficiency to the schools. The State may legislate, the people may vote taxes, and build schoolhouses, but the teachers build schools, and mould character, and act on mind. High salaries will attract talent and skill, and hold them both in the schools. Low wages will fill the schools with bunglers, and waste the public money. If the people of California desire to lay well the foundations of the State for all future time, they must employ skilled master masons to hew the corner stones.

## FEMALE TEACHERS.

More than one half the schools in this State are taught by male teachers. In some schools in the sparsely settled districts, male teachers are necessarily employed; but in many small ungraded schools, which would be far better taught by female teachers, males are employed on account of the popular prejudice that female teachers cannot succeed in schools attended by larger boys, where ability to govern is required.

The very general employment of female teachers in our American public schools constitutes a peculiar feature of difference between them and the schools of European countries. The schools of the old world are principally taught by male teachers. I am of opinion that one great cause of the evident superiority of our American common schools over the primary schools of Europe is this employment of female teachers. The proportion of male to female teachers in the other States is shown by the following tables gathered from the latest reports:

States.	Males.	Females.
New York.....	6,394	19,819
Ohio.....	7,832	12,826
Michigan.....	1,810	6,984
Pennsylvania.....	6,903	7,765
Massachusetts.....	1,210	6,142
Illinois (1862).....	7,713	7,381
Wisconsin.....	1,894	5,509
Indiana.....	5,274	3,848
Iowa.....	2,815	6,140
New Hampshire.....	759	3,262
Rhode Island.....	70	540
California.....	603	552

All the leading educators and State officers are taking strong ground in favor of a still more general employment of female teachers in the public schools. On this point I quote with pleasure the remarks of Honorable Victor M. Rice, of New York, in his report for eighteen hundred and sixty-four:

"The undersigned points with undisguised pleasure to the fact that nearly eight tenths of the teachers employed in the schools of the State are females. To teach and train the young seems to be one of the chief missions of woman. Herself high-minded, the minds of those with whom she comes in daily contact unconsciously aspire. Gentle herself, she renders them gentle. Pure herself, she makes them pure. The fire which truly refines the ore of character can be kindled only by her hand.

Woman is more deeply read than man in the mysteries of human nature; at least in that of children. It might, perhaps, be nearer the truth to say that her superior knowledge in this respect is intuitive. Better her discipline of love than his reformatory theories, and austere rules, and stringent systems. Her touch conquers the rebelliousness

which his but increases. Her persuasive reproofs far exceed his stern menaces and cold logic.

Well may we be solicitous in regard to that pupil's course and destiny who does not pass from the scene of woman's ministrations with his moral sense so delicately attuned as to render the discords of a vicious life impossible; with his tastes vitalized, and his perceptions quickened; with his sensibilities and sympathies all ready for action; with his conscience trained to unremitting vigilance, and the best impulses of his heart in full play. I am sure that the future will be grateful for these labors of woman in our schools."

Honorable E. E. White, School Commissioner of Ohio, in his report of eighteen hundred and sixty-five, speaks of the female teachers as follows:

"The returns, to the great credit of the patriotic teachers of the State, show a continued increase in the number of female teachers employed and a corresponding decrease in the number of male teachers. In eighteen hundred and sixty-two only about forty-eight per cent of the teachers employed were women; in eighteen hundred and sixty-three, fifty-nine per cent were women; while this year shows an increase to *sixty-two* per cent. It is believed that the number of female teachers might be still increased without detriment to the schools, since it must be conceded that in the great majority of our schools women make better teachers than men. Even the supposed superiority of male teachers in school government is not satisfactorily confirmed by experience. The better class of female teachers in our schools are succeeding just as well, and often better, than the average male teachers. The School Commissioner of Rhode Island gives it as his opinion that they are succeeding in that State oftener than male teachers, even in the management of turbulent boys; while in the formation of the manners and in the cultivation of the morals and tastes of children, they are incomparably better teachers than men."

Honorable W. C. Larrabee, of Indiana, in one of his reports, said:

"Females are not only *apt to learn*, but they are peculiarly *apt to teach*. They seem designed and fitted by nature as the appropriate educators of childhood. They seem to comprehend by instinct and by intuition the physical necessities, the intellectual wants, and the moral longings of children. And it seems their peculiar province to train, influence, and govern children. It is natural for them—their instinctive propensity—to love, cherish, caress, amuse, and instruct the young. And it is equally natural for children to love females, to yield to their influence, and to be persuaded by them to obedience.

"It is only a class of weedy, green, good-for-nothing boys who entertain sentiments of disrespect for the instructions and influence of female teachers—boys who seem to have forgotten that their mother was a woman—who seem incapable of the delicate sentiments which the society of virtuous and beloved sisters should always inspire."

Honorable C. R. Coburn, State Superintendent of Pennsylvania, says:

"It would seem that it would not require argument to convince men that the individual who is to be the mother is the better prepared by

nature to teach the young, to train them for usefulness; that that class which God has designed and qualified for taking care of the young and directing the outgoings of the mind when it first begins to reach forth for knowledge, is the very class that He designed also to be their instructors as the intellect progresses in strength and activity.

"It appears almost axiomatic that woman, from her gentleness of nature, her kindness and love for children, her facility for communicating, and the respect shown to her even by the rudest being, in all civilized nations, is the very being that God designed to take charge of and instruct youth. The principal argument is that they cannot govern schools in which there are a great number of large scholars—boys who have no respect for themselves nor any one else. This is doubtless true to a limited extent, and in comparatively few instances. Considerable pains have been taken by this department to get reliable information regarding the comparative success of male and female teachers, both as to teaching and governing; and with but two exceptions, the result has been that the females have succeeded as well as the males having the same amount of experience, and that in counties where both have been engaged in schools of the same grade and equal size, the total failures have been greater with the males, in proportion to the number employed, than with the females; and also that, as a general thing, they have been as acceptable to the public."

Superintendent Goodnow, of Kansas, says, on this subject:

"In teaching little scholars, everybody admits that woman *excels*. She has more patience—more love for children; it is more congenial to her taste; she can better adapt herself to their peculiarities of thought and disposition. What are young men and young women but children of a *larger growth*, all demanding the same traits in their teacher—even to a *greater extent*. The idea that women cannot govern is contradicted by the observation of the men of every age. It is their nature to govern—and this, too, by the only way in which government can be permanently established, namely, by kindness and love.

"The woman who is generously endowed with these qualities is as fully capable of governing as, nay, is better able to govern, than the man of harsh voice and angry aspect. The little children hang around her, anxious to know her wishes, and desirous of being first to please her; and the 'great big boys,' those terrors of pedagoguedom, on whom schoolmasters always look with trembling, speak to her in the blandest tones, and with their more solid acquirements, receive from her lessons of gentleness which will give beauty and character to their future career."

The Superintendent of Schools in Connecticut says:

"During the last year sixty per cent of the teachers of winter schools, and ninety-three per cent of the teachers in summer, were women. It has been clearly demonstrated that well qualified female teachers can control and instruct the ordinary mixed district schools quite as successfully as the young men often employed in these schools in the winter."

Another State report says:

"Females seem to be better adapted by nature to teaching little



children. Male teachers seldom leave their impress clearly marked upon young pupils. They lack the requisite gentleness, the patience and perseverance in little things, the quick discernment of character, the instinctive power to inspire the youthful spirit and arouse its latent powers. Above all, they are destitute of those delicate arts which are so requisite to win the affections of children, to call forth and direct their earliest aspirations, and to impart the needful impulse to their minds. Cheerfulness and enthusiasm, courtesy and kindness, and the power of easy, quiet, unconscious influence, are requisites indispensable to the attractiveness, order, and efficiency of the school. Females are endowed with a more bountiful share of these desirable qualities."

For the purpose of further comparison of the rates of wages of male and female teachers in Eastern cities and in California, I have gathered from the best possible sources the following statistics, which will be interesting to both teachers and School Trustees:

## NEW YORK CITY.

Salaries of Principals of boys' grammar schools.....	\$2,250
Salaries of Vice-Principals of boys' grammar schools.....	1,800
Salaries of First Assistants of boys' grammar schools.....	1,400
Salaries of Second Assistants of boys' grammar schools....	1,200
Salaries of Third Assistants of boys' grammar schools.....	1,000
Salaries of female Assistants of boys' grammar schools....	400 to 800
Salaries of Principals of girls' grammar schools (females)..	1,200
Salaries of Vice-Principals of girls' grammar schools (females).....	960
Salaries of First Assistants of girls' grammar schools (females).....	800
Salaries of Second Assistants of girls' grammar schools (females).....	650
Lowest salary of female Assistants.....	400

## BROOKLYN.

Salaries of Principals.....	\$2,000
Salaries of Heads of Departments (females).....	550 to 600
Salaries of female Assistants.....	300 to 500
Number of pupils in each school.....	800 to 1,500

## PHILADELPHIA.

Salaries of Principals of boys' grammar schools.....	\$1,500
Salaries of Principals of girls' grammar schools (females)..	750
Salaries of female Assistants.....	300 to 450
Number of pupils to each school.....	150 to 250

## ST. LOUIS.

Salaries of male Principals.....	\$1,400 to 1,500
Salaries of female Principals.....	800 to 900
Salaries of female Assistants.....	450 to 800

Number of pupils to each school.....	200 to 800
Number of pupils per teacher.....	42

## CINCINNATI.

Salaries of male Principals.....	\$1,500
Salaries of two male Assistants to each school.....	1,000
Salary of female Assistant.....	600
Salaries of other female Assistants.....	240 to 420
Number of pupils to each school.....	600 to 1,300
Number of pupils per teacher.....	50

## CHICAGO.

Principals of grammar schools, first year.....	\$1,500
Principals of grammar schools, second year.....	1,600
Principals of grammar schools, third year.....	1,700
Female Assistants, first fourteen weeks, at the rate per year of.....	400
First year, and thereafter.....	450
Head Assistants, (female,) of grammar schools.....	600
Assistant of grammar and primary schools, first year.....	400
Assistant of grammar and primary schools, second year...	450
Assistant of grammar and primary schools, third year.....	500
Assistant of grammar and primary schools, fourth year...	550
Salary of music teachers in primary school.....	1,200
Salary of sewing teacher.....	225 to 450
Salary of French and German teachers.....	500 to 700
Salary of drawing teachers.....	500 to 800
Salary of vocal music teachers, first year.....	450
Salary of vocal music teachers, second year.....	500
Salary of vocal music teachers, third year.....	600
High school Principal.....	2,000
Normal department Principal.....	1,900
Male Assistants, some as Grammar Masters, female Assistants, some as Head Assistants.....	500
Number of pupils per teacher.....	63

## BOSTON.

Salaries of Principals of Latin, English high, girls' high, and normal schools, first year.....	\$2,600
Salaries of Principals of Latin, English high, girls' high, and normal schools, second year.....	2,700
Salaries of Principals of Latin, English high, girls' high, and normal schools, third year.....	2,800
Salaries of Principals of Latin, English high, girls' high, and normal schools, fourth year.....	2,900
Salaries of Principals of Latin, English high, girls' high, and normal schools, fifth year.....	3,000
Salaries of Sub-masters of high schools, and Grammar Masters, first year.....	1,800



Salaries of Sub-masters of high schools, and Grammar Masters, second year .....	\$1,900
Salaries of Sub-masters of high schools, and Grammar Masters, third year .....	2,000
Salaries of Sub-masters of high schools, and Grammar Masters, fourth year .....	2,100
Salaries of Sub-masters of high schools and Grammar Masters, fifth year .....	2,200
Salaries of Ushers of high schools, and Sub-masters of grammar schools, first year .....	1,400
Salaries of Ushers of high schools, and Sub-masters of grammar schools, second year .....	1,500
Salaries of Ushers of high schools, and Sub-masters of grammar schools, third year .....	1,600
Salaries of Ushers of high schools, and Sub-masters of grammar schools, fourth year .....	1,700
Salaries of Ushers of high schools, and Sub-masters of grammar schools, fifth year .....	1,800
Salaries of Ushers of grammar schools, first year .....	1,000
Salaries of Ushers of grammar schools, second year .....	1,100
Salaries of Ushers of grammar schools, third year .....	1,200
Salaries of female Head Assistants of girls' high and normal schools .....	700
Salaries of other Assistants .....	600

## SAN FRANCISCO.

Principals of high schools .....	\$2,500
Male Assistants high schools .....	2,100
Female Assistants high schools .....	1,200
Grammar Master .....	2,100
Sub-master .....	1,500
Head Assistant (female) .....	1,000
Principal primary school (female) .....	1,020
Assistants (female) .....	800

## SACRAMENTO.

Principal of high school .....	\$1,500
Principal of grammar school .....	1,350
Female Principals of intermediate schools .....	850
Female Principals of primary schools .....	800
Female Assistant of high school .....	850
Assistant in middle grade grammar schools .....	800
Assistant in lowest grade grammar schools .....	650
Assistant in primary schools .....	350

## MARYSVILLE.

Principal of grammar school .....	2,000
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## LOS ANGELES.

Principal of grammar school .....	\$1,200
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## STOCKTON.

Grammar Master .....	\$1,250
Sub-master .....	900
Female Principals of intermediate .....	850
Female Principals of primary .....	700

## CALIFORNIA STATE NORMAL SCHOOL.

Principal, per annum .....	\$2,500
Male Assistant, per annum .....	2,000
Female Assistant, per annum .....	1,300
Female Principal of training school .....	1,000

## SCHOOL LAW.

The advancement made in the State School Law since eighteen hundred and sixty-two may be briefly summed up as follows:

*First*—A change in the school year, making the new year end August thirty-first, instead of October thirty-first, in order that the report of the Superintendent of Public Instruction may be presented to the Legislature at the opening of the session in December.

*Second*—A provision requiring the Superintendent, at the expense of the State, to furnish a State school register to each school, thereby securing accurate and full returns of school statistics.

*Third*—Requiring the State Superintendent to visit schools, to attend County Institutes, and to address public assemblies on subjects relating to public schools, and providing for the payment of actual travelling expenses.

*Fourth*—Provision for the annual appropriation of one hundred and fifty dollars out of the County General Fund for the County Teachers' Institute, subject to the action of the County Supervisors.

*Fifth*—Making the term of office of School Trustees three years, instead of one, and providing for the election of one Trustee annually.

*Sixth*—Giving Trustees the power to unite contiguous districts for the purpose of establishing union schools.

*Seventh*—Providing a stringent law for the assessment and collection of district taxes for building purposes, or for the support of free schools.

*Eighth*—Providing for the assessment and collection of rate bills.

*Ninth*—Authorizing Trustees to establish union grammar schools for the accommodation of advanced pupils in contiguous districts.

*Tenth*—Authorizing the State Board of Examination to issue State educational diplomas, valid for six years; State certificates of the first grade, valid for four years; and second and third grade certificates, valid for two years.

*Eleventh*—Authorizing the State Board of Education to adopt a uniform series of text books, and requiring the same to be used in all public schools in the State, except in incorporated cities governed by special Boards of Education.

*Twelfth*—Levying an annual State school tax of five cents on each hundred dollars of taxable property in the State, to be apportioned in the same manner as the interest of the State School Fund.

*Thirteenth*—Requiring each county to levy a minimum county school tax equal to two dollars for each child between four and eighteen years of age.

*Fourteenth*—Raising the maximum rate of county school tax required by law from twenty-five to thirty cents on each hundred dollars.

*Fifteenth*—Making it the imperative duty of Public School Trustees to levy a direct property tax sufficient to maintain a public school five months in each year, whenever the State and county school money shall be insufficient for that purpose.

*Sixteenth*—Authorizing County Superintendents to subscribe for a sufficient number of some State educational journal to furnish each Board of School Trustees in the State with one copy at an expense not exceeding one dollar a year.

*Seventeenth*—Allowing County Superintendents a sum for postage and expressage equal to two dollars for each school district.

*Eighteenth*—Requiring history of the United States and physiology and hygiene to be studied in all the schools above the grade of primary.

*Nineteenth*—Requiring all petitions for the subdivision of school districts to be submitted to the County Superintendent for his approval; and that a district set off from another shall open a school within sixty days, or lose its organization and continue a part of the old district.

*Twentieth*—Making a more liberal provision for the separate education of Negro, Mongolian, and Indian children.

*Twenty-first*—Making an annual appropriation of eight thousand dollars for the support of the State Normal School.

## RESULTS.

The practical operation of these laws during a period of two years has proved the wisdom of their provisions. The State registers have proved of very great value in securing accurate statistics.

It is true that many teachers have been slow to learn how to keep them, and that others have been too negligent and careless to keep any record worthy of a public school; but this was to be expected before order and system could be evoked out of chaos. Many of the registers remain as permanent records of the progress of the schools, and henceforth, with more stringent requisitions for keeping them, the advantages derived from their use will be still greater.

The law requiring the State Superintendent to travel and lecture, while it has imposed a heavy burden on that officer, has doubtless been productive of good results. All the time that possibly could be spared from office duties has been devoted to visiting schools, attending Institutes, and lecturing.

The regular official duties in the office have constituted by far the smallest part of his labors.

## COUNTY INSTITUTES.

The provision for aiding County Institutes by an appropriation out of the County General Fund has proved beneficial in some of the larger counties, and quite a number of Institutes have been held; but too frequently, the Supervisors, not recognizing the necessity of Institutes, have refused to allow the appropriation to be made. A more liberal provision ought to be made; and I shall recommend, under the head of amendments to the school law, a section which shall require Institutes to be held annually in all the larger counties, and provide ways and means for making them effective.

## SCHOOL TRUSTEES.

The election of Trustees for three years, one Trustee going out of office each year, has resulted in great good. Two Trustees somewhat familiar with their duties are always retained on the Board. Changes of teachers are less frequent, reports are more promptly and correctly made, and there is less excitement and partizan feeling at the elections. Much of the improvement in the management of district schools, and many of the new schoolhouses erected, have been owing to this simple provision of the law—so simple that the only wonder is that there ever should have been any other.

## DISTRICT TAXES.

The law providing for the voting, assessment, and collection of district taxes for the support of schools and for building purposes has stood the test of time, and the resolute endeavor of hard-fisted tax payers to resist it in the Courts. The old law provided for voting a tax, but its provisions for collecting it were so loose that every heavy tax payer who chose to contest it escaped payment, and consequently few taxes were voted, except in communities where the citizens unanimously consented to be taxed. Under this section of the law nearly two hundred new schoolhouses have been built; many old ones have been supplied with new furniture; many schools have been made free, and many have been kept open ten months in the year. In a few cases, large landholders who seemed to think that the only products of the State are cattle, grain, and potatoes, have complained bitterly of the law—one of the best evidences of its justice.

The fact that the law provided speedy and effective means for enforcing the collection of rate bills in the Courts, has generally secured their prompt payment without resort to law.

## STATE EDUCATIONAL DIPLOMAS.

The provision for State diplomas and certificates was eminently wise and judicious. More than a hundred teachers have secured such certificates, and none have dishonored them. It has done much to foster a spirit of professional pride, and to raise the standard of qualification in the county examinations. The State is now prepared for a still more liberal law relating to professional diplomas, and under the head of amendments I shall present what in my opinion the teachers have a right to demand, and what ought in justice to be cheerfully granted.

## STATE SERIES OF TEXT BOOKS.

Many teachers were at first opposed to a uniform State series of text books; but at the expiration of two years, both parents and teachers are satisfied that the law has been productive of excellent results. It has reduced confusion to order; has substituted good books in place of poor ones; has established in some degree uniformity in methods of teaching and of classification; and has saved thousands of dollars to parents, who, under the old order of things, were compelled to purchase new books every time their children changed school. Changes in text books will now be made only when some new book presents very superior merits, and parents have a guarantee that books once adopted will be used at least for a term of four years.

## HALF-MILL TAX.

The State school tax of five cents on each hundred dollars of taxable property raised last year fifty-five thousand dollars, which was added to the State School Fund, and apportioned on the basis of school census children between four and eighteen years of age. This tax was absolutely necessary to the progress of the schools. Though it amounted to only sixty-three cents per child, or one dollar and sixty cents for each child attending school, yet even this small sum, added to the county money, district tax, and rate bills, eked out many a little school another month.

This tax has met the almost universal approval of the people, and the conviction very generally prevails that it ought to be doubled. The law levying a State school tax recognizes the principle that all property has a direct interest in the education of the people, and that every dollar should be taxed for the support of schools by the State. It recognizes the principle that educated labor is the real source of wealth in any State. It recognizes the right of every child born into the world to demand of society an education. It secures the education of many who would otherwise grow up in ignorance, idleness, and vice. It has stimulated district taxation, by recognizing both the right and duty of the people

to vote property taxes for the support of schools. It teaches the unity of the State, and the duty of the wealthier communities, where capital is concentrated, to aid the thinly settled and poorer sections to support the necessary schools on the outskirts of civilization.

This tax was opposed by some of the representatives of San Francisco in the State Legislature on the ground that the city would be unjustly taxed, because she receives back by apportionment a few thousand dollars less than she pays into the common fund. The same rule that would set off San Francisco to be taxed by itself would also set off each ward in the city to raise its own taxes and support its own schools, and as a result, the central wards, embracing the greatest wealth of the business streets, and having few children, would have little or no tax; and the other wards, with many children and little property, would be overburdened with taxation.

## COUNTY TAX.

The provision requiring that the lowest rate of county school tax which should be levied by the Supervisors should be sufficient to raise a revenue equal at least to two dollars for each child between four and eighteen years of age, has proved no less beneficial than the half-mill State tax, and has raised quite as much money for the support of schools. In the early history of the State, it seemed to be the effort of legislation to prevent the people from taxing themselves for school purposes. The rate of county school tax, at first, could not exceed three cents on a hundred dollars, however much the people of a county might desire a higher rate; and the Supervisors were not compelled to levy any tax whatever. Next, the maximum limit was five cents, and then ten cents, the minimum being nothing at all. Then the maximum was made twenty cents, next twenty-five cents, the minimum in both cases being nothing at all; and finally, in eighteen hundred and sixty-three, the people were allowed the privilege of raising a maximum tax of thirty cents, and minimum tax allowed to be levied was made equal to two dollars per census child. In several large, wealthy, and populous counties, this simple minimum provision more than doubled the county tax, and in twenty-five counties the tax was materially increased by it.

## DISTRICT SCHOOL TAX.

Another wise and judicious provision was that which made it the duty of School Trustees to levy a direct property tax, without any vote of the district, sufficient, with the State and county money, to maintain a free school five months in each year. This law has been enforced in a large number of districts, and has educated hundreds of children who otherwise would never have darkened the doors of a schoolhouse.

In the sparsely settled districts, covered principally by large grants of land, it has compelled many wealthy owners of overgrown estates, who have been accustomed to regard the education of children of less

consequence than the lassoing of wild cattle and colts, to pay largely for the support of schools.

## STATE EDUCATIONAL JOURNAL.

The provision supplying each Board of School Trustees with a copy of the *California Teacher*, at one dollar a year, has been productive of great good. It has cost the State only eight hundred dollars, and I am certain its circulation has been the means of building many schoolhouses, and of voting many thousands of dollars of district taxes. It has educated Trustees to a higher conception of their duties, and instructed them in the performance of those duties. It has been the means of securing better salaries for good teachers, and of making Trustees more careful in their selection of teachers.

The county subscriptions have amounted to a little more than seven hundred dollars, and more than this sum has been saved to the State by the publication of circulars from the Department of Public Instruction, which otherwise must have been printed in the office of the State Printer as special circulars.

Each semi-annual apportionment of the State School Fund to districts has been published in the *Teacher*, instead of in special circulars, and has gone into the hands of all School Trustees. Numerous circulars to County Superintendents have appeared in its pages. The annual report of the Superintendent of Public Instruction to the Governor for eighteen hundred and sixty-four, was published in full, and thus furnished to all Trustees and to many teachers—supplying, in a great measure, the lack of a State report. In summing up all these advantages, the county subscriptions have saved the State many hundred dollars.

## HISTORY OF THE UNITED STATES.

Previous to the law requiring the history of the United States to be studied in all schools above the grade of primary, the children in most of the schools were as ignorant of the history of their own country as of China or Hindostan. The events of the great rebellion have shown conclusively the necessity of inculcating the lessons of patriotism by means of history. The law ought to require in all higher grade schools the study of a text book on State and National Government, and the duties of citizens of the republic.

## DIVISION OF DISTRICTS.

The provision requiring all petitions for the subdivision of school districts to be submitted to the County Superintendent for his approval, and that any district set off by the Supervisors must organize a school

within sixty days after division, has checked the unnecessary and ill-advised subdivision of districts which so often springs from district feuds and quarrels.

## SCHOOLS FOR MONGOLIANS, INDIANS, AND NEGROES.

A specific provision for the education in separate schools of Negro, Mongolian, and Indian children, is one required by the dictates of justice and common humanity. If all classes pay taxes on their property for the support of schools, there is no reason why the children of all classes, whether white, black, tawny, or copper-colored, should not be educated.

## AMENDMENTS TO THE SCHOOL LAW.

### STATE BOARD OF EDUCATION.

The State Board of Education, in the School Law of eighteen hundred and fifty-three, was composed of the Governor, Surveyor-General, and Superintendent of Public Instruction, because it proposed to place the management of the school lands in their hands. Other provisions were made for the sale of lands and the control of the School Fund; but the Board of Education has remained the same ever since.

The growing interests of the public schools and the greater responsibilities which ought to be assumed by the Board, require that it be enlarged. The only powers now conferred on the Board are the apportionment of the School Fund and the adoption of a State series of text books. The apportionment of the School Fund is, in fact, made by the Superintendent, in whose hands are the school statistics; and as the State Controller reports the amount to be apportioned, the attachment of the names of the Governor and Surveyor-General to each semi-annual apportionment is only a matter of form, which occasions frequently an unnecessary delay in the distribution of the school money. The Superintendent should have the power to apportion the State Fund, as he alone must make out the census reports on which it is based.

The adoption of text books rests mainly with the Superintendent of Public Instruction. It can hardly be expected that the Governor of California, under the pressure of his burdensome and multifarious duties, can find time to examine and decide on the merits of every new primary speller, reader, arithmetic, geography, and grammar, which comes from the press; and the Surveyor-General, whose attention is mainly directed to swamp land surveys, and the location of land warrants, and to County Surveyors, may or may not feel an interest in spelling books.

It is neither desirable nor safe that the power of changing the school books of a whole State should be virtually placed in the hands of one man. No State Superintendent desires to have this power, for, however honest and true may be his decisions, he is always subject to the imputation of being influenced by publishing houses and book agents.

I would recommend, therefore, that the State Board of Education be constituted as follows:

The Governor, the Superintendent of Public Instruction, the Principal of the State Normal School, the Superintendent of Public Schools of the City and County of San Francisco, the County Superintendents of Sacramento County, of San Joaquin County, and of Santa Clara County, all ex officio members, and of two professional teachers, to be nominated by the State Superintendent, and elected by the other members of the Board.

A Board so constituted would not be subject to an entire change every four years; it would, in a measure, be free from political control—as it ought to be; it would give the teachers of the State a voice in decisions relating to the schools; it would be likely to include talent enough to originate and recommend measures for the benefit of the school system; and it would contain members enough to secure positive action.

#### COURSE OF STUDY.

The State Board should have the power of prescribing a regular course of study in all ungraded schools, not subject to special Boards of Education, in incorporated cities. The greatest need of such schools, at present, is such a course of study. Uniformity in text books has laid the foundation for such a course, and a uniform course of study is quite as desirable as a uniform series of text books.

As the schools are managed at present, each teacher is left to prepare his own course.

If teachers were permanent in their schools, this would not be a serious evil; but as teachers very generally change their schools once or twice a year, the result is a total lack of system in studies. Under one teacher, certain branches are made specialties, and others neglected; the next teacher reverses the programme, and a third changes it again.

Promotions are irregularly made, and as a result, pupils may be well advanced in some branches, and very deficient in others. A uniform course, which should require a certain harmonious progress in all studies as a condition of advancement into another grade, would add greatly to the efficiency of the schools. In all graded schools in cities, such a specific course is prescribed; and there is no good reason why a course more general in its character should not be prescribed in all the schools in the State. Then, when the schools suffered a change of teachers, the progress of the scholars need not be interrupted. The preparation of such a course, which should be made binding in every school, would require great labor and judgment, and could be properly done only by such a Board.

#### RULES AND REGULATIONS.

The same Board should have the power of preparing a set of general rules and regulations governing teachers and pupils, similar in many respects to those governing all city schools. Such regulations are imperatively needed. No city schools can exist without them; and every argument which can be urged for them in such schools applies with equal force to ungraded schools in the country. County Superintendents should be required to enforce these rules, and teachers to comply with them.

These rules and regulations should relate to schoolhouses, punctuality of teachers and pupils, manner of keeping records, protection of school

property, expulsion of pupils, text books, course of study, classification, grade of school, and other items too numerous to mention.

#### TEACHERS' LIFE DIPLOMAS.

The State Board should have the power of granting, under certain conditions, teachers' certificates, valid for life.

The County Boards grant certificates valid for two years; the State Board of Examination grants certificates valid for four years, and diplomas valid for six years; and to complete this gradation, the State Board of Education should be empowered to grant diplomas valid during the life of the teacher.

Life diplomas should be granted only to those who shall have taught say two years successfully under a State educational diploma; or who shall have held for the same time the office of State, County, or City Superintendent. Under these conditions it would be impossible for any except professional teachers of proved ability to secure life diplomas. This recognition such teachers have a right to demand. It is due them from the State. Professional diplomas, valid for life, are granted in Illinois, Ohio, Pennsylvania, New York, West Virginia, and Maryland, and California is too progressive to remain longer without them.

#### COUNTY BOARD OF EXAMINATION.

The law relating to county certificates needs several material modifications. The Board of Examination should consist of the County Superintendent and two teachers, appointed by him for the term of one year. No teacher should be eligible to this appointment who does not hold a first grade State or county certificate. This Board should hold sessions at least every three months, and should have power to grant certificates of three grades, namely: First grade, or grammar school certificates, valid for three years; second grade, for teaching a second class school, valid for two years; and third grade, for teaching a primary school, valid for one year.

Certificates of the third grade should be awarded only to female teachers, because a man has no business to be teaching a primary school, and doing a woman's work. The law should require examinations to be conducted mainly in writing, as that is the only fair and thorough test when several candidates are examined at the same time.

For first grade certificates the examination should be conducted in arithmetic, geography, grammar, history of the United States, and theory and practice of teaching, allowing one hundred credits for each; and in orthography, defining, reading, penmanship, physiology, natural philosophy, English composition, algebra, Constitution and Government of the United States, and school law of California, allowing fifty credits for each.

Second grade certificates should be granted on the same examination, with the exception of algebra and natural philosophy.

Third grade certificates should be granted on examination in reading, spelling, defining, mental and written arithmetic, geography, grammar, and methods of teaching. Not less than ten questions should be submitted in each study, and the standing in each study should be indorsed on the back of each certificate issued.

The Superintendent of Public Instruction should be, ex officio, a member of every County Board, and both State and County Superintendents should have power, and it should be made their imperative duty, to revoke any county certificates for immoral or unprofessional conduct on the part

of the holders, or for habitual profanity, gambling, intemperance, cruelty, or evident unfitness for the profession of teaching.

Each applicant before being admitted to the right of an examination should be required to pay a fee of one dollar, the proceeds to be applied to the purchase of a county teachers' library.

I am aware that these provisions may seem unnecessarily stringent and detailed, but admission to the profession of teaching cannot be too carefully guarded. The great advancement in the schools of some of the largest counties in the State has been mainly owing to the high standard of attainments set by the County Boards in granting certificates. The true economy both of time and money is to waste neither by employing incompetent and worthless teachers. It avails nothing that the State increases the School Fund, so long as it may be thrown away and wasted on quacks and pretenders. The law should be specific, and should *compel* County Superintendents and members of the Board to do their full duty, whether willingly or unwillingly. County Boards ought to be empowered to recognize all diplomas from any and all State Normal Schools in the United States as entitling the holder to a first grade county certificate without examination, provided the evidence of good moral character is satisfactory.

#### STATE BOARD OF EXAMINATION.

The section of the law relating to this Board needs several amendments. The Board should consist of the State Superintendent and four teachers holding State diplomas, who shall be appointed for the term of two years.

The Board should have the power of recognizing without examination all holders of State Normal School diplomas from the several State Normal Schools in the United States, and the holders of life diplomas granted by State Boards of Examination in the other States.

To make teaching a profession, we must recognize by law the first principles of all other professions. All medical schools are not of equal excellence, but a diploma from the smallest and lowest entitles the holder to take rank as a regular practitioner. Theological schools are of different degrees, yet all confer the title of Reverend, everywhere recognized.

The petty jealousy of little Boards of Examination, who fondly imagine they combine more wisdom than all others in the country, ought not to prevail any longer. Let the State take broad, liberal, progressive, national ground, and, recognizing teaching as a profession, acknowledge the professional diplomas from all parts of the Union, thereby freeing teachers from the annoyance and vexation of a lifelong series of petty examinations.

#### COUNTY INSTITUTES.

In a new State like ours, where schools are in a period of formation, a well organized system of County Institutes is both desirable and necessary. The fact that so few County Institutes were held the past year is good evidence of the failure of our present law.

It should be made by law the duty of every County Superintendent, in each county where the number of teachers exceeds ten, to hold a County Institute annually, for not less than three days. It should be made by law the duty of teachers to attend, and of Trustees to allow their wages to continue during attendance on the Institute. For expen-

ses incurred, the County Superintendent should be authorized to draw the sum of one hundred dollars from the unapportioned County School Fund.

Such Institutes would cost both time and money, it is true; but far more would be gained in the vastly increased economy in the expenditure of the time of children and the County and State School Fund.

There is no reason why County Superintendents, elected to positions of honor and paid for their services, should not be competent to conduct such Institutes in a practical and professional manner. It would be well to make the office so full of duties that no one except a professional teacher of first class talent could fill it.

#### SCHOOL LIBRARIES.

The need of school libraries is self-evident. All teachers admit it; every State report since the second one of Mr. Marvin has recommended them; yet nobody has done anything. Every attempt in the Legislature has been a failure. We are now entering on a new era in our public school system—that of free schools. The time for *acting* has arrived, and that for talking ought to end.

After studying the plans of other States, and considering the subject in every possible relation, I have come to the conclusion that the following plan is the most practicable one which can at present be carried into effect in this State:

It should be made the duty of the County Superintendent in each county to annually set apart ten per cent of the State apportionment of School Fund to each district, provided ten per cent does not exceed fifty dollars, and to cause it to be held by the County Treasurer as a District School Library Fund; and it should be the duty of Trustees to expend this fund for library books; provided that when the amount is less than ten dollars the sum may remain in the Treasury until together with subsequent apportionments it shall amount to that sum.

It should be made the duty of the State Board of Education to prepare an extended list of books suitable for school libraries, and from the published list the Trustees should make all their selections for purchase. Such a provision would protect the libraries from trash literature and useless books. The Trustees should be made Librarians, with power to make the teacher a deputy.

Here are the arguments in favor of this plan:

Will it be an economical, prudent, and wise expenditure of the public money?

Last year, the total State apportionment of School Fund amounted to one hundred and sixty-eight thousand dollars, of which ten per cent would be equal to sixteen thousand eight hundred dollars.

But, as in many districts, the excess of ten per cent over fifty dollars would be large, not more than twelve thousand dollars would be set apart as a Library Fund. This sum divided among the eight hundred schools would give an average of fifteen dollars for each school. The average cost of the schools is three dollars a day, and the amount expended in libraries would cause a loss of five school days to each school during the year. Will any one pretend to say that a little library of good books in a small school is not worth more to the children than three days schooling?

Will not most intelligent men admit that a county school sustained six months in a year *with* a library, will accomplish better results than one

sustained seven months *without* one? The rates of county school tax have been so much increased that the deduction of ten per cent of the State apportionment will hardly be felt in the poorest school.

Therefore the question of libraries is not one of increased taxation, but of the most judicious expenditure of the money already raised for school purposes. Thousands of children must remain without access to those best of teachers, good books, unless the public shall provide them. It may be asked, why not reserve this ten per cent of the State Fund before apportionment and expend it directly in books, to be furnished to the districts on certain conditions, as in other States? For the reason that no State Superintendent can have anything to do with such a purchase without being charged with speculation and speculation; because the labor of buying and distributing ought not to be added to his present duties; because no State Board of Education would wish to be troubled with the endless details of such an arrangement; and because the transportation by express would cost about as much as the books. Under the plan proposed the Trustees are left to purchase where they please, of whom they please, and what books they please, provided they keep within the list of the State Board, who ought to be able to present a list free from any possible objection.

Such libraries ought not to be confined to country schools; they are quite as necessary in large cities. While some children in the cities have access to books at home, there is a large class who are utterly destitute of any except such as are supplied in the Sunday Schools. It is a defect in the schools of San Francisco that no libraries are connected with them.

#### SCHOOL TRUSTEES.

Several new sections ought to be added to the law relating to Trustees. County Superintendents should have the power of removing Trustees who refuse or neglect to perform their duties, or to make their annual report. It should be made the duty of the Clerk of the Board to purchase such supplies of pens, pen holders, ink, pencils, crayons, slates, stationery, maps, and charts, as must be used in the course of study prescribed by the State Board of Education, and the County Superintendent should draw his warrant in favor of the Clerk for such expenditures out of the County Fund to the credit of his district, on the order of a majority of the Trustees. This provision should be made on the grounds of economy and efficiency. Such incidentals, purchased at wholesale rates, would not cost half so much as when purchased at retail by the pupils; and when furnished by the Board, being always on hand, the work of the school is never delayed. Many Trustees do so furnish their schools; but others, from mistaken economy, which saves a cent and wastes a dollar, neglect to do it.

The County Superintendent should have power to compel Trustees to make repairs on schoolhouses when the health or comfort of the children require such improvements, provided the expense does not exceed fifty dollars.

Unfortunately, there are some Trustees who think anything is good enough for a public school, and who doggedly stand in the way of any innovation. He should have the power to compel Trustees to provide privies and outhouses, such as common decency and the habits of civilized beings require; or, in case of their refusal to act, he should be empowered to do the work, and pay for it out of the District Fund.

#### SCHOOLHOUSES.

There should be a provision that no new schoolhouses should be erected outside of the incorporated cities unless the plan be submitted to the County Superintendent and approved by him. By this simple provision many of the worst faults of the little county schoolhouses would be obviated. It should be made the duty of the County Superintendent to supply his office with works on school architecture for the use of Trustees, and to acquaint himself with the plans of schoolhouses which combine taste, ornament, durability, and economy. These books should be paid for out of the unapportioned County School Fund.

#### SCHOOL TEACHERS.

Several additional sections relating to the powers and duties of teachers are desirable.

There are certain powers given to teachers by common law which it is desirable to have expressed in the school law, for the benefit of troublesome parents. Teachers should have power to suspend or expel pupils from school, when, in their opinion, the interests of the school require it, subject, however, to the decision of the Trustees, with the right on the part of the teacher of appealing to the County Superintendent for a final decision. This right, expressed on the statute books, would greatly strengthen school authority.

Teachers should be required to make themselves familiar with the school law, and with all rules and regulations prepared by the State Board of Education, and to observe and carry the same into effect.

It should be made the duty of every teacher to use in school such text books only as have been adopted by the State law, under penalty of removal by the County Superintendent. The law should expressly give teachers the power to hold pupils responsible for their conduct to and from school, on the school grounds before and after school, and during recess and intermissions. It should be made the duty of every teacher to keep the State registers in all respects as required by law; and it should be made the duty of the County Superintendent to decline drawing the last month's salary of each teacher until he receives from the Trustees a certified statement that all the summaries required in the register have been made up. In all contracts made by teachers with Trustees, except in incorporated cities, a legal school month should consist of four weeks, and a legal school week of five school days, not including Saturday. All State and National holidays should be reckoned to the credit of the teacher. No teacher should be eligible to teach a first grade county school who does not receive a first grade county or a first or second grade State certificate; and no teacher holding a third grade county certificate should be allowed to teach in any school above the third or lowest grade. The provision with regard to a school month is made in several other States, and as difficulty often arises between teachers and Trustees as to what constitutes a school month, it would be well to have one uniform rule. It often happens, as the law exists at present, that teachers holding primary certificates are found teaching schools in which the studies of algebra and natural philosophy are pursued, and where young men and women are attending school. The Trustees, desirous of securing a cheap teacher, choose to call their school a primary one, and there is no help for it. The provision relating to certificates is very necessary.



## PUBLIC SCHOOLS.

It should be provided by law that all public schools, except in incorporated cities, should be open to all white children between the ages of five and twenty-one years resident in the district, provided that children between four and five years of age, and non-resident children, be admitted by written consent of a majority of the Trustees.

It is supposed by many that because the State School Fund is apportioned to children between four and eighteen years of age, the right to attend school belongs only to those included between those ages. This does not necessarily follow. In San Francisco it is found necessary to exclude all children under six years of age, and in many schools in the State children four years of age are admitted. In most of the county schools it is well enough to admit children five years old; but under that age they ought not to attend. The same regulations should apply to schools for colored children. The law should provide that whenever the number of children in any school exceeds sixty, an assistant teacher should be employed. No teacher can teach more than fifty or sixty children, and Trustees ought not to be allowed to impose the burden of teaching a larger number on teachers; neither should they be allowed to impair the efficiency of the schools by crowding them to excess for the purpose of saving a few dollars. It would be better that two teachers be employed for a shorter term, than that one should half do the work of teaching for a longer term.

Except in incorporated cities, the schools should be divided into three classes or grades: first grade, or those corresponding to grammar schools, in which some advanced studies are pursued; second grade, including those between grammar and primary; third grade, or primary, in which only the elements are studied. I am aware that it is somewhat difficult to classify the ungraded county schools; still, they can be divided into these three classes—and it is very essential that they should be so classed—for the purpose of corresponding to the grades of certificates issued.

It is not desirable that teachers holding primary or third grade certificates be allowed to teach ungraded schools which ought to rank as first class schools, yet such will continue to be the case unless this regulation be made.

The County Board of Examination should have power to determine the class to which the several schools in their county belong, under general instructions from the State Board of Education.

## POWERS OF COUNTY SUPERINTENDENTS.

County Superintendents of Public Schools should be empowered to administer all necessary official oaths to School Trustees, School Census Marshals, school teachers, assessors and collectors of school taxes; and to take affidavits in all matters pertaining to public schools, without fee or charge.

In case any assessor or collector of district school taxes neglects or refuses to qualify within ten days after his election or appointment, or having qualified, neglects or refuses to perform the duties of his office, the Trustees should be empowered to declare his place vacant, and appoint to fill the vacancy; and if vacancies occur in either or both of the above offices, they should be filled by appointment by the Trustees.

## FIVE MONTHS SCHOOL.

The law should provide that no district should be entitled to its apportionment of State Fund, unless the Trustees of the district had maintained a free school during five months of the year last preceding.

New districts, set off from old ones, should receive their pro rata apportionment whenever the time of maintaining a school in the old district, before division, and in the new one after division—taken together—shall be equal to five months. As the law stands at present, it is made the imperative duty of Trustees to levy a property tax sufficient, with State and county money, to maintain a free school five months in the year; but some Trustees fail to do their duty; and the same law which requires a five months school to be maintained by tax, allows the district to receive their share of the School Fund, on condition of maintaining school three months.

This singular contradiction arises from the fact that the enemies of the school bill in the Senate of eighteen hundred and sixty-three and sixty-four succeeded in striking out one section of the law.

The State has certainly reached a degree of wealth sufficient to maintain free schools for five months in the year, and districts should be forced to do their duty under penalty of losing their share of the State school money.

## RATE OF COUNTY TAX.

I recommend that the minimum rate of county tax be made equal to three dollars for each child between four and eighteen years of age, under penalty of forfeiting twenty-five per cent of the State apportionment due to the county which shall fail to levy the required rate—provided the rate so levied shall not exceed thirty-five cents on a hundred dollars.

The arguments by which this recommendation is supported will be found in a former part of this report, under the head of "County Tax," and in Tables Four and Five in the statistical summary.

## SCHOOL YEAR.

Under the present school law, the school year begins on the first of September, and ends on the thirty-first of August. It is very desirable that the school year should be made to correspond with the State fiscal year, beginning on the first of July, and ending on the thirtieth of June.

At the end of the State fiscal year, the County Treasurers balance their accounts, and more accurate reports of school moneys would doubtless be secured from those officers. It would also greatly aid the County Superintendents in making out their complicated accounts. It would allow more time for those officers to make out their reports. Under the present law, the time allowed the State Superintendent for making a long statistical and written report, is altogether too short. Should the school year be changed to correspond to the fiscal, the Census Marshals would take the school census in June, and report on the first of July. School teachers could report to the Trustees and County Superintendents on the tenth of July; School Trustees could report to County Superintendents on the twentieth of July; and the County Superintendents to the Department of Instruction on the twentieth of August.

The Superintendent would then have one month for correcting reports



and making out statistical tables, and one month for making a written report, which can only be prepared after the statistics are complete.

I know of no inconvenience which could possibly result from the change. In the City of San Francisco, representing one fifth of the school interests, the school year is made to correspond with the fiscal, and the statistics returned to this office are from July first to June thirtieth of each year.

In most incorporated cities the change would be advantageous; and in the school districts of the country it would make no difference.

#### STATE TEACHERS' INSTITUTES.

The teachers of the State, assembled in the State Institute, instructed the State Superintendent to endeavor to secure the passage of a law requiring a State Institute to be held annually, and making an annual appropriation of five hundred dollars for the payment of expenses.

The last State Institute was held without any expense whatever to the State; but to make such conventions productive of the best results, an appropriation is needed. In most other States liberal appropriations are made for this purpose.

In preceding reports I have treated so fully of the great benefits arising from such conventions, that I need only express the hope that the Legislature will recognize the interests of the teachers, on whom the vitality of the schools must always depend, by granting the small appropriation which is asked for.

#### PRESERVATION OF PUBLIC DOCUMENTS.

There is not a complete file of the annual reports of the State Department of Instruction in the office of a single County Superintendent in the State. There is not a bound copy of a single annual report by any State Superintendent in any County Superintendent's office. Until within the last two years there was not in the office of the State Superintendent a complete file of State school reports.

The bound file now in the office is mutilated, but nevertheless is invaluable for reference in respect to the school history of the State.

The Superintendent of Public Instruction should be authorized to order bound by the State Printer, two hundred copies of each biennial report. Of these, one copy should be furnished to the office of each County Superintendent in the State; one copy to each of the public libraries; twenty-five copies reserved for the office library, and the remainder used in exchange with the departments of other States.

The reports of Illinois, New York, Pennsylvania, Ohio, Michigan, Rhode Island, and some other States, received in exchange at this office, are neatly bound. I have received many applications from the larger libraries of the United States for files of reports which should exhibit the educational history of the State, and have been compelled to reply that the department was utterly destitute of copies of its own reports. Requests for documents have been made from Germany and other European countries, and all that could be collected in this department was comprised in a package of one pamphlet copy of the school law, one pamphlet copy of the thirteenth annual school report, and a file of the *California Teacher*.

California is not poorer than other parts of the world where the Departments of Instruction are placed on a respectable footing; and

the condition of the reports and records of this office is a good illustration of short-sighted economy. Out of the small contingent appropriation allowed, most of which has been expended in furnishing the office, I have had bound some of the most valuable documents of the department; but there still remain many valuable school reports and educational pamphlets which ought to be bound. The manuscript annual reports of County Superintendents ought also to be bound for future reference.

I most respectfully ask for a deficiency appropriation for this purpose of one hundred dollars.

#### STATE SERIES OF TEXT BOOKS.

The school law of eighteen hundred and sixty-three required a uniform series of text books to be adopted and used in all the public schools in the State, except in incorporated cities, under the government of special Boards of Education. The books of the State series, according to the last returns, have been adopted in nearly all the schools which come under the provisions of the law.

With a State Board of Education constituted as I have recommended in another part of this report, the law may safely be amended to include the schools of incorporated cities.

In justice to parents who purchase books, this ought to be done. The interchange of population between the cities and the country districts is far greater than between the country districts alone. All the arguments on the ground of economy urged in favor of uniformity of text books in the rural districts, apply with still greater force to uniformity between city and country.

In several of the cities, many of the State series of text books are already in use. In San Francisco, Willson's Readers and Spellers, entire series, Eaton's Primary Arithmetic, Greene's Introductory Grammar, Allen's Primary Geography, and Cornell's Primary Geography, are now in use. In simple justice to the majority of the schools in the State, the minority should conform to the State series.

Books which are suitable for city schools are suitable for country schools. The largest cities in the State will be represented in the Board as proposed, and they can have no reason to complain.

No objection can be urged to vesting this power in a central State Board, except the petty jealousies of local Boards, and the prejudices of partizan teachers, enlisted in the interests of pet text books. I am satisfied that most of the cities, San Francisco included, will cheerfully assent to this provision.

The law should also provide that a text book, when adopted, should be continued in use for a period of four years, at least. The present law makes the penalty of not adopting the State series a forfeiture of the entire State apportionment of the School Fund. I recommend that the Superintendent of Public Instruction be required, instead, to deduct twenty-five per cent from the State apportionments of all districts which fail to comply with the law. A district may fail to adopt the books required through the neglect of a teacher, and a loss of the entire State apportionment is too severe a penalty to be visited upon the children for the fault of a teacher. A deduction of one fourth of the apportionment due, would secure the end designed.

It may be urged that the adoption of text books for an entire State is centralizing too much power in the hands of a State Board. As it is

proposed to constitute this Board, the State is represented by two officers, the Governor and the Superintendent of Public Instruction. It is right to presume that the Superintendent of Public Instruction will be familiar with the merits of school books, and that he will act impartially for the best interests of the whole State. San Francisco, the great centre of the school system, will be represented by her City Superintendent, and it is right to presume that he will be a competent judge of what books her schools may need. Sacramento will be represented by her County Superintendent, and can have no cause to complain. The Principal of the State Normal School, holding the most honorable position in the public schools of the State, ought to be a judge of text books second to none. The teachers of the State will be represented by two professional teachers holding State diplomas, in addition to the teacher of the State Normal School, and it is proper that the influence of the teachers in the Board should be a powerful one. Where can the power be better vested? The State needs one uniform system of public instruction, but with a multitude of text books this cannot exist. If the power be vested in Trustees, every district will have a different series. If vested in City Boards, those bodies are subject to frequent changes, and the text books will be changed as often. A State Board of Education, constituted as recommended, will be a conservative body, not subject to changes, and not liable to be influenced by any motives other than the best interests of the schools.

The great advantages resulting from uniformity of books in all public schools have been so fully presented in previous reports that I do not deem it necessary to enumerate them here. I am satisfied that the amendments suggested will prove acceptable to the great body of the people and the teachers.

#### APPORTIONMENT OF THE STATE SCHOOL FUND.

Should the school year be changed to correspond with the fiscal year, the State apportionment should be made annually in December, instead of semi-annually in July and January, as at present. The labor involved in making a semi-annual apportionment is not by any means slight, and the accounts of County Superintendents, County Treasurers, and School Trustees, are rendered much more complicated than by one annual apportionment.

The last semi-annual apportionment does not reach the districts until just at the close of the school year. It is impossible, in advance, to estimate the amount of this apportionment; and Trustees not unfrequently find themselves in debt at the end of the year in consequence of over estimating the amount due.

If an annual apportionment be made in February, which will be near the middle of the school year, Trustees can make correct estimates on the length of their school.

It is impossible for any persons, except County Superintendents, to understand how difficult it is to secure correct financial accounts kept by the three thousand School Trustees in the State, and anything which shall simplify accounts will be hailed by them as extremely desirable.

#### STATE EDUCATIONAL JOURNAL.

In a preceding section of this report I have mentioned the beneficial results arising from the circulation of the *California Teacher*, the educa-

tional journal selected by the State Superintendent, under the provisions of the school law of March twenty-second, eighteen hundred and sixty-four, as the official organ of the Department of Public Instruction. The present law authorizes the County Superintendent of each county, to subscribe and pay, out of the unapportioned County School Fund, for one copy of a State educational journal for each Clerk of the Board of Trustees of each district of his county, at an expense not exceeding one dollar a year. The Board of Editors, in commencing the third volume, July, eighteen hundred and sixty-five, found it necessary to raise the general subscription price to one dollar and fifty cents, as the former subscription price of one dollar was less than the cost of paper, printing, and binding.

During the first year of its existence, without aid from county subscriptions, the *California Teacher* circulated one thousand copies, and was published at an expense of one thousand four hundred and four dollars. Its total receipts amounted to one thousand three hundred and twenty-seven dollars and ten cents, leaving a minus balance of seventy-six dollars and ninety cents, which was paid by the editors out of their own pockets. The only expense incurred was that of printing, as all the labor of editing and mailing was gratuitous.

During the second year, ending June, eighteen hundred and sixty-four, the journal had a subscription list of one thousand five hundred, and circulated one thousand seven hundred copies; two hundred copies being used in exchanges with the press, and with eastern journals. The receipts from county subscriptions for Trustees, were seven hundred and fifty dollars; from subscriptions by teachers and others, six hundred and fifty dollars; and from advertisements, eight hundred dollars; making the total receipts, two thousand two hundred and thirty-four dollars and forty-one cents. The cost of publication was two thousand two hundred and six dollars and forty-two cents, exclusive of the voluntary labor of mailing and keeping books, which cannot be estimated at less than thirty dollars a month, or three hundred and sixty dollars a year. The subscription list of the present year is somewhat less than that of last, and the advertisements are less than half those of the preceding year, so that there will be a necessity of reducing the journal to less than the present meagre size of twenty-four pages of reading matter. Without further aid from the State the journal can be kept in existence, but to be effective, it should be doubled in size.

The question to be considered by the State is not the interests of the journal, but that of the public schools. Would the wider circulation of such a journal be an economical and judicious expenditure for the State, in advancing the interests of general education, in making the schools more efficient, officers more faithful, and school expenditures generally more economical?

I think that good and sufficient reasons can be advanced to show that such would be the case. Other States have pursued the same liberal policy, and always with satisfactory results. The new State of Nevada, which has just adopted the school law of California, almost without change, and our State series of text books entire, has set a liberal example and pursued a wise policy by authorizing a subscription of four copies for each district, of some educational journal, to be named by the Superintendent of Public Instruction, who for the present has made the *California Teacher* his official organ. The Board of Education of the City of San Francisco has shown its appreciation of the value of a school journal, by subscribing for a sufficient number of copies to furnish each

female teacher in the department with a free copy. The Board of State Normal School Trustees has furnished the same journal to the pupils of the State Normal School, as an indispensable text book for all who intend to become educated teachers.

It must be admitted that School Trustees need to be instructed in their official duties; that they need some direct and regular means of communication with the Department of Instruction; that they need to be informed of the general progress of educational measures; and need to have an intelligent comprehension of school law and our school system.

There are now in the State eight hundred and thirty-one Boards of Trustees, of three members each, or two thousand four hundred and ninety-three citizens holding that office. Of this number one third, or eight hundred and thirty-one, were elected last August. They entered upon the duties of their office knowing little of school law, and less of the details of their work. Those Trustees, last year, were the disbursing agents of eight hundred and eighty-three thousand one hundred and sixteen dollars of school money. They are paid nothing whatever for their services; and can the State not afford to expend the sum of fifty cents each for the purpose of instructing them in their duties, and informing them concerning the public school system? Would it not be the true policy of the most rigid economy? The amount so expended would be equal to a percentage on the whole amount of money disbursed of one eighth of one per cent, or one eighth of a mill on each dollar. Would not the influence of a good journal secure a far more effective, judicious, and economical expenditure of this large school revenue?

The economy of our school system consists not in reducing the rates of school taxes, but in their careful expenditure. The employment of a few incompetent teachers wastes ten times the cost of a good school journal.

It must be borne in mind that the newspapers of the day contain very little strictly educational matter; that few Trustees ever have in their possession strictly educational works; and hence they must remain ignorant of much which they ought to know, unless it be furnished through the pages of a monthly school journal. The suggestions of such a journal on school architecture alone would have saved during the past five years fifty thousand dollars, uselessly wasted on miserably planned schoolhouses and barbarous school furniture.

The School Trustees are the immediate executive agents of the Department of Instruction. It matters not how excellent the school law, nor how heavy the school taxes, if the Trustees fail in the proper discharge of their duties. They make or unmake the school. The importance of their duties cannot well be overestimated. They are the executive agents of the people and the exponents of their wishes. They should be men fitted to mould the public sentiment of the district. All the efforts of the State, of the Superintendent of Public Instruction, and of County Superintendents, may be made by them of no avail. Their powers and duties are numerous and varied. They expend all the money raised by the State, county, and district taxes and rate bills, for school purposes; they employ and dismiss teachers; they provide maps, blackboards, furniture, and school apparatus; they prepare plans for schoolhouses; admit or expel pupils; provide books for indigent children; fix the amount of rate bills; assess and collect district taxes; fix the rate of teachers' wages; appoint the School Census Marshals; visit the schools, and make the reports on which are based the returns of the County Superintendents to the Superintendent of Public Instruc-

tion. If they choose to employ an illiterate and incompetent teacher, the public money is wasted. If they erect an ill-planned, ill-ventilated, ill-constructed schoolhouse, it remains for many years a monument of their incompetence. If they build none at all, the children remain in hovels which disgrace the State. If they reduce the rate of teachers' salaries to the wages of a common laborer, there is no redress. If they take no measures for assessing a district tax, the children remain untaught or only half taught. If they think an old water bucket, a battered tin dipper, and a worn out broom, all the school apparatus necessary, the teacher must lose half his labor for want of the proper appliances of education. If they make incorrect reports, the errors cannot be corrected elsewhere. If they make no returns, the district loses the public money, and the children are defrauded of their rights.

Is the office of School Trustee, then, one of little importance? Does it not require good judgment, common sense, experience, and, above all, a living faith in our American system of public schools? Is it not a wise, sound, judicious policy for the State to endeavor to raise the standard of qualification among Trustees, and to provide means for thorough instruction in their duties, and in the needs of the schools? The universal complaint is that School Trustees are not interested in their duties, and are negligent in their performance of them.

A monthly journal of education would be generally read, and could not fail to excite a deeper interest on the part of school officers. It must be remembered that Trustees are constantly changing, and new men are coming into office, who must learn for themselves the routine of business. On the broad ground of true economy it is the policy of the State to sustain such a journal, for the purpose of keeping in existence a thorough system of education. A salary of fifty cents a year to each Trustee would not be an extravagant compensation for their many and responsible duties. If the Trustees are awakened to an interest in education, if they deeply feel its importance, the whole community will be made alive.

In a State like this, where there is no class of men who have the leisure and inclination to devote themselves to school interests, where all are deeply immersed in the exciting cares of business, and the struggles incident to all new communities, they need to be aroused to action by special appeals, particularly on educational topics. Intelligence must precede all effective action. No school system was ever supported by ignorance or apathy, and schools are neither indigenous nor self-sustaining; they need mind as well as money—enthusiasm as well as taxes.

There are many reasons to be urged in favor of furnishing a copy for the use of each school library and teacher. The older pupils in the schools would find in its pages much valuable information; and they should be educated to feel an interest in the system of schools in which they are taught, for in a few years the schools will be committed to their hands. The bound volumes, giving the current history of the progress of schools, would form a valuable addition to the school libraries. If it be desirable that Trustees read an educational journal, it must be evident that all teachers ought to be readers of a professional publication relating so directly to their own advancement and that of the schools. A school system never organizes itself in any community; it is the result of effort, of labor, of interest, by individuals. Teachers more than any others should have an intelligent understanding of what must be done to make the schools serve the ends for which they are designed. It would seem that every teacher in the State would cheerfully con-

tribute the small subscription price for the support of a professional organ, and that no one could afford to be without it. The best teachers in the State, it is true, are subscribers for the State journal, and for many other valuable educational publications relating to the occupation in which they earn their living.

The following statement, by counties, shows the number of teachers in each county, and also the number of subscribers for the *California Teacher*. Among the list of subscribers it is but just to say that at least ten per cent are persons not engaged in teaching:

COUNTIES.	Number of teachers.	Subscribers for California Teacher....
Alameda.....	39	15
Alpine.....	4	1
Amador.....	40	2
Butte.....	35	10
Calaveras.....	20	5
Colusa.....	11	1
Contra Costa.....	24	6
Del Norte.....	5	2
El Dorado.....	53	8
Fresno.....	5	1
Humboldt.....	12	4
Klamath.....	2	1
Lake.....	7	1
Lassen.....	4	2
Los Angeles.....	14	4
Marin.....	13	1
Mariposa.....	10	3
Mendocino.....	19	5
Merced.....	6	1
Mono.....		
Monterey.....	13	4
Napa.....	23	10
Nevada.....	28	2
Placer.....	41	5
Plumas.....	5	1
Sacramento.....	73	19
San Bernardino.....	9	4
San Diego.....	1	1
San Francisco.....	132	196
San Joaquin.....	55	9
San Luis Obispo.....	2	1
San Mateo.....	18	2
Santa Barbara.....	5	2
Santa Clara.....	42	16
Santa Cruz.....	16	5
Shasta.....	16	2

COUNTIES.	Number of teachers.	Subscribers for California Teacher.....
Sierra.....	24	3
Siskiyou.....	18	5
Solano.....	30	10
Sonoma.....	78	12
Stanislaus.....	8	1
Sutter.....	14	3
Tehama.....	11	2
Trinity.....	9	2
Tulare.....	9	2
Tuolumne.....	16	8
Yolo.....	34	5
Yuba.....	26	8

The total number of subscribers, aside from Trustees, sums up four hundred and twenty-three; but from this number there properly should be deducted one hundred and fifty copies subscribed and paid for by the San Francisco Board of Education, fifty copies taken by County Superintendents, and fifty copies by persons not engaged in teaching; leaving only one hundred and seventy-three copies subscribed and paid for by teachers of both private and public schools.

It is not a flattering exhibit. It is not creditable to the teachers as a class. There are one thousand and seventy-nine public school teachers in the State. If the eight hundred and twenty-seven teachers who do not subscribe for the *California Teacher* read any other journal of education, the plea might be urged in their behalf that our own State journal was not worth reading. But the fact is they belong to the fossil order. They are too well satisfied that they "know how to keep school," and that there is nothing more for them to learn.

If the journal is not a good one, let them make it so. The two resident editors, who give time and labor which, if paid for, would cost six hundred dollars a year, will cheerfully allow any of them to take their places. Teachers complain of cheap wages, and of tight-fisted Trustees, yet cannot pay the pittance of one dollar a year to support a journal which advocates their own interests. It should be the policy of all Trustees to reduce the wages of all such teachers to the lowest possible pittance which will support life; for their services are dear at any price, and the sooner they are starved out the better. The very teachers who most need the stimulus of a school journal, are the ones who never will subscribe. Let the State, then, furnish all teachers, through the school library, with the official organ of the department. The cost will be less than a thousand dollars, and the schools will not be shortened half a day in the year by this sum taken from the school fund. The awakened

interest in the minds of many apathetic teachers will increase the working power of the schools to an extent worth a month's extension of school terms.

It may be urged that the journal will be made the means of private speculation, if so large a sum is contributed by the State for its support.

The law should provide that all money received, after paying the clerk hire, of mailing; and incidental expenses, be expended in enlarging the journal, and that a sworn statement be made biennially to the Legislature of the receipts and expenditures by the Board of Editors.

I recommend, therefore, that instead of the present law requiring each County Superintendent to subscribe for a copy of the journal for each Board of Trustees, at a cost of one dollar, less than the actual cost of printing the journal, that the Superintendent of Public Instruction be authorized to subscribe for a sufficient number of copies to supply each district library and each District Clerk with a copy, at a subscription price not to exceed one dollar and fifty cents each, the present subscription price of the journal, with which it is barely able to be maintained. The State Board of Education should have the power of designating this journal, and of reducing the subscription price, if at any time it shall be found possible to do so.

The amount necessary to pay for such subscriptions, some one thousand six hundred dollars, should be made payable out of the State School Fund, before apportionment, as a part of the ten per cent proposed to be set apart for a Library Fund. This would save County Superintendents the trouble and expense of drawing subscriptions from the County Fund and forwarding to the publishers by express; and it makes no difference whatever in the end whether the amount be taken from the State Fund before apportionment, or from the County Fund after apportionment.

It should be provided that the journal should contain a Department of Instruction in which all circulars, decisions, apportionments of State School Fund, rules, and regulations, and instructions of the State Superintendent and the State Board of Education, should be published. In this way alone nearly enough would be saved to the State in printing bills of the State Printer to pay for the entire cost of the journal.

#### SCHOOL BILL.

Previous to the meeting of the State Teachers' Institute, in September last, I had prepared the draft of a school law, embracing the amendments suggested in the preceding remarks. That draft was submitted to a committee of County Superintendents, and, with a few unimportant amendments, unanimously approved by them. This has been again carefully revised and submitted to some of the best teachers in the State. It contains the suggestions made by County Superintendents concerning the working of the schools, and the result of my own observations in this State, and a careful and patient study of the laws of other States. It will be submitted to the legislative Committees on Education, with the belief that its passage will materially improve the condition of the public schools. As the change of the school year will require many of the existing sections of the law to be amended in relation to the time of making reports, I am of opinion that it is advisable to revise and rearrange the whole school law; otherwise the law will be found scattered through the statutes of eighteen hundred and sixty-three, eighteen hundred and sixty-four, and eighteen hundred and sixty-six. There are many unimportant amendments and general provisions, in addition to

those mentioned in the preceding pages, which ought to be made and provided.

The State ought to have a *system* of common schools, with some general laws governing schools in cities as well as in country districts.

I trust legislators will give due consideration to a subject so intimately connected with the interests of the people, and will bear in mind that the rapidly increasing number of schools require more specific and exact regulation.

#### APPOINTMENT OF CADETS TO THE WEST POINT MILITARY ACADEMY.

I also recommend the passage of a concurrent resolution instructing the members of Congress from this State to favor the passage of an Act of Congress by which the appointment of cadets to the Military Academy at West Point shall be made on the merits of competitive examinations, conducted in such manner as Congress may direct. The Board of Visitors invited by the Secretary of War to attend the annual examination of the cadet corps at West Point in eighteen hundred and sixty-three, in a very able and interesting report, prepared by Henry Barnard, strongly urged this measure upon the attention of Congress and the whole country. Since the adoption of this plan of admission into the Royal Military Academy at Woolwich, England, not only has the standard of mental ability and physical strength been raised, and the failures greatly reduced, but the powerful stimulus given to the great schools of the country has been worth millions of dollars of endowments. France owes the superior ability of her officers and engineers to the competitive principle established by Carnot in the Polytechnic School at Paris, and extended by Napoleon to every public special school, and to promotion in every department of administration, civil as well as military.

The public schools of the nation ought to claim it as a right that their most talented boys shall have an open chance for securing admission into the only national school of the United States. That school is for the defence of the whole country, and ought to secure for its cadets the best talent of the nation. Appointments, as now made, are generally influenced by political or personal considerations only, without reference to ability; and the fact that fifty-four per cent of all who are admitted fail to graduate, is sufficient evidence of the assertion. Occasionally some poor boy of talent is picked up by some philanthropic member of Congress and sent to the school, but such cases are rare. Some ten or twelve appointments from California have been made during the past five years, and with hardly an exception the appointees have either failed to get admitted or failed soon after admission.

Not only would the nation save the cost of educating "failures," but more vigorous, talented, well trained officers would be secured in every arm of service.

Once open the doors for free competition, and the boys trained in the public schools of the nation will fill its military academy. Already in some noble instances the representatives of congressional districts in some of the States have waived the right of appointment, and submitted the result to a general competitive examination by a competent Board of Examiners.

It may take years to secure an Act of Congress to this effect, but it will eventually be done. Perhaps it is not too much to hope that, instructed by such a resolution as here suggested, the representatives of this State will submit the appointment of a cadet to the next vacancy

occurring in West Point to the results of a competitive examination made by a competent Board of Examiners. The following is the recommendation made by the Board of Visitors in eighteen hundred and sixty-three :

"I. The cadet corps of the army of the United States shall consist of four hundred members, to which each State and Territory shall be entitled to a number equal to its representation in the Congress of the United States, and the remainder shall be designated by the President from the country at large, including the District of Columbia; and he shall also fill, in the same way, any vacancy which for any cause may remain unfilled for three months after the annual examination in each year.

"II. No person shall be appointed to the cadet corps until he has been found qualified in the particulars designated by law, after a public examination, conducted in such places, at such times, and in such manner as Congress shall prescribe; from which examination no person resident of that portion of the country for which the same is held shall be excluded who shall present credentials from the teacher or teachers whom he had last attended that he is over seventeen and under twenty-one years of age, of unblemished moral character and personal habits, of good physical strength and constitution, and has given evidence of aptitude and vigor of mind for the studies and duties of a military career. The Examiners shall make return under oath to the Secretary of War of the persons so presenting themselves, examined, and found qualified, arranged in the order of merit, specifying the residence and school or schools which they have attended in the two years previous, and the degree of merit exhibited in each subject of the examination. And all appointments to fill vacancies for any State or Territory, or for the country at large, shall be made from these returns, and in the order of merit as assigned by the Examiners, until the same shall be revised by new regulations of the department.

"III. No person shall be returned to the Secretary of War as a suitable candidate for admission to the cadet corps unless he :

"1. Shall be *over* seventeen and under twenty-one years of age.

"2. Shall possess an unblemished moral character and correct personal habits.

"3. Shall be in good health, and in no way incapacitated by want of vigor and elasticity of physical constitution for military service.

"4. Shall possess vigor and aptitude of mind for the studies of the Military Academy, and shall give evidence, oral and written, of a good English education, which, in view of the wide-spread facilities of instruction in public and private schools, might very properly embrace :

"(a.) The correct use of the English language in speaking, reading, and writing the same.

"(b.) Penmanship, bookkeeping and elementary drawing.

"(c.) The ability to perform with facility and accuracy the various operations of arithmetic.

"(d.) The elementary principles of algebra and geometry.

"(e.) A thorough knowledge of American geography and history, and the leading features of the Constitution of the United States, and of the State of his residence.

"(f.) Or so much of the subjects above specified as shall be deemed indispensable to the immediate and profitable attention of the cadets on their admission to the special duties and occupations of a military school.

"5. Shall make a written declaration of his desire to obtain admission to the cadet corps for the purpose of qualifying himself for the military service of the United States, which service he assumes from the date of his appointment as cadet, to continue in the same for a period of at least sixteen years—bearing true faith and allegiance to the Constitution and government of the United States, against all enemies, foreign and domestic, and paramount to all obligations to any State government, authority, or Constitution."

## NATIONAL BUREAU OF EDUCATION.

The importance of establishing a National Bureau of Education, at Washington, with a Minister of Public Instruction, who shall be a member of the Cabinet, has been presented by leading educators in the last National Convention of Teachers, and in various State Institutes and conventions. A committee has been appointed to memorialize Congress in favor of such a national department of instruction. From the statistics published in this report, it will be seen that the annual expenditures of the United States for public schools alone is nearly twenty-two millions of dollars, and that the schools are attended by nearly five millions of pupils. When public schools shall be organized in the "reconstructed States," the annual expenditures will be increased to thirty millions of dollars, and the attendance to six millions of pupils. The results of the great rebellion have proved conclusively that but for the public schools in the loyal States the nation could not have been saved, and that but for the lack of them in the other States, the rebellion would not have existed. More deeply in the future than in the past will statesmen recognize as a principle of action that popular education is the only safeguard of a republic.

The power of the national government should be brought to aid the States in perfecting their several systems of public instruction. The educational statistics of the different States should be compiled and published annually by the general government. Reforms and improvements should be suggested. The best thoughts of the best educators should have a national circulation. What the Department of Agriculture is doing for the material interests of the nation, the Bureau of Education would do for the public schools. Surely the education of men who are soon to control the government of the nation, is equally as important as the raising of grain, or cattle, or horses. The whole real estate of the nation is interested in the measure, for its value depends on the intelligence of the laboring classes, who are the producers of wealth. Every statesman is interested, for the future law makers and office holders of the nation must be educated in the public schools. The importance of the subject will present itself so forcibly to the mind of all legislators that, without further argument, I recommend that the Legislature pass a concurrent resolution, requesting the Senators and Representatives of California in Congress to favor the organization, as soon as practicable, of a national Department of Instruction, which shall aim to establish, on purely democratic republican principles, a system of public education in the United States which shall educate physically, morally, and intellectually, every child born within the broad domain of the Union.



## STATE AGRICULTURAL COLLEGE.

To secure the grant made by Congress of thirty thousand acres of land for each Senator and member of Congress, to each of the several States, for the purpose of aiding in the establishment of an institution of learning, in which shall mainly be taught the sciences which relate to agriculture and the mechanic arts, it will be necessary for the State to establish and have in actual operation such an institution on the second of July, eighteen hundred and sixty-seven.

Before proposing any plan for such a college, it is advisable to consider what available means the State has to establish and maintain one. The one hundred and fifty thousand acre grant of Congress must be located in this State, if there be any unlocated Government lands subject to sale; otherwise, on Government land in the territories. Taking into consideration the rate at which Government is carrying on its surveys in this State, there is every probability that these land warrants might be sold at from seventy-five cents to one dollar an acre during the next twenty-five years. Taking into consideration the probability that land warrants sold by the State and located on *unsurveyed* Government lands will not be recognized by the General Government, and the vexed and unsettled condition of all State land titles, legislators will hardly be willing to embark in any more State land schemes on the capital of this grant. The expectation of realizing any endowment fund from this source during the next five or ten years, will prove quite as delusive as the fond hopes of the holders of "wild cat" mining stock.

The seventy-two sections of land granted to the State by Congress for aiding the establishment of a seminary of learning, or State University, have all been sold, and with the exception of about two thousand dollars, which has been invested in State bonds, marked "Seminary Fund," the proceeds have been incorporated into the Public School Fund, and are due from the School Fund to the Seminary Fund. By the Act of April twenty-third, eighteen hundred and fifty-eight, it was provided that the Board of Examiners should, at the expiration of one year, take and use fifty-seven thousand six hundred dollars of any money belonging to the Public School Fund for the purpose of investing that amount in seven per cent State bonds, to be marked "Seminary Bonds." This was never done. Assuming that the amount required by that Act to be so set apart was correct, the Seminary Fund proper is fifty-seven thousand six hundred dollars, and the interest on that fund, from April twenty-third, eighteen hundred and fifty-nine, to April twenty-third, eighteen hundred and sixty-six, will amount to twenty-eight thousand two hundred and twenty-four dollars. The sum of twenty-eight thousand two hundred and twenty-four dollars interest may, therefore, by Act of the Legislature, be transferred from any money in the hands of the Treasurer belonging to the School Fund, to the credit of the Seminary Fund, and may be expended for establishing a seminary, while the principal must be held invested in seven per cent bonds.

This principal of fifty-seven thousand six hundred dollars is the only endowment fund of a State institution of learning, and the accrued interest of twenty-eight thousand dollars the only available money for immediate use. This fund could undoubtedly be appropriated to the establishment of an Agricultural College, provided such an institution embraced a liberal course of study, and was not confined exclusively to agriculture or the mechanic arts. With the twenty-eight thousand dol-

lars at command, united with such a sum as might be given by any county or city to secure its location, it would be possible to erect and furnish a small building and purchase a little chemical and philosophical apparatus.

The annual interest of four thousand dollars would pay one professor of the college. It would cost, at the lowest estimate, twenty-five thousand dollars a year to support such a college, in addition to tuition fees. Is the State ready to assume such a burden? Ought she to do it? When she has six thousand children for whom no suitable provision is made to teach them to read and write the English language, will it be wise to expend twenty thousand dollars a year for such an institution? Will the financial condition of the State warrant this expenditure? Can an endowment fund of one hundred thousand dollars be secured by donations from the wealthy citizens of the State for such a college, with a department of mining and assaying? The experiment can be tried, but I am not sanguine of its success.

While I appreciate fully the advantages of higher public institutions of learning, I feel called upon in behalf of the common schools of the State, to enter my earnest protest against burdening the State with the support of a university until she has established a system of free public schools, which shall extend to all her children the advantages of an elementary education. The highest good of the greatest number is the foundation principle of our educational system, as well as of our Government. When the State has provided for every child the means of a common education, then let high schools and State universities be established; and until then, let private institutions and colleges already established furnish the means of a higher education.

I recommend that a commission be appointed by the Legislature to canvass for subscription endowments for a State Polytechnic School, embracing departments of agriculture, mining, and literature, to report before the close of this session. In case of a failure to raise one hundred thousand dollars for founding such a school, I recommend the passage of a concurrent resolution requesting our delegation in Congress to secure the passage of an Act extending the time for establishing such a school, on account of the unsettled condition of land matters in this State; and, further, the appointment of a standing Board of Commissioners, with full power to act; which Board, in case the desired extension shall not be secured, shall proceed to turn over the grant to such college in the State as shall make the most advantageous propositions for securing it. Under such a contingency, I recommend that the "Seminary Fund" be allowed to remain indefinitely in the Common School Fund, to be paid over when the State has wealth and inhabitants enough to maintain a State University.

The common schools need every dollar which can be put into the School Fund. With five thousand children clamoring for admission into school, with five thousand more attending only one third of the year, why entertain Utopian notions of a mushroom State University? If established as a manual labor agricultural college in some remote rural district, it will yield nothing to the State but vexation, disappointment, and a bountiful crop of mammoth bills. If any county will take the grant, and establish the school, and assume its whole support, let that speculative county have it in welcome. If any existing college will take the land scrip, and engage to organize and support a scientific department, let the State hasten to close the bargain. Then let the "Seminary Fund" interest be taken to build a suitable building for the State Nor-

mal School, and establish a "State Normal University," which in the next fifty years may grow into a solid institution of learning.

The common schools need teachers; and it is as necessary for the State to provide them as to raise taxes to pay those already employed. If legislators insist upon using the "Seminary Fund," I ask that it be used for this purpose and no other. A Normal School the State must support, as a necessity of the common school system.

In States five times as old, and with five times our population, agricultural colleges have proved failures. In many of the great States, grants five times as large as ours have been connected with existing colleges. New York, with an endowment from Mr. Cornell of five hundred thousand dollars, and her grant of six hundred and thirty thousand acres, and her vast population, can establish a college with some prospect of success; but California, with her small batch of unavailable warrants, her scattered population, her pressing financial necessities incident to a new State, her lack of wealthy men who have the habit of making donations, must not attempt to imitate her older and more substantial sisters.

Let legislators ponder these facts before embarking in any reckless schemes for establishing a State Agricultural College.

## REPORTS OF COUNTY SUPERINTENDENTS.

Returns have been received from every county in the State except Lake, and for that exception a good reason existed. All the reports were received at this department on or before the tenth of October, with the exception of that of Marin County. More than half the reports were received on or before the first of October, as required by law.

In the larger counties it is a difficult task to make out the annual report in the time allowed by law; and this difficulty is increased by the negligence of some Trustees in making their returns.

There has been a steady improvement in the character of county reports for the last three years. A few this year were negligently made out, and it was impossible to make them balance in this office, as the original entries were incorrect. But most of the reports were creditable, and some were models of correctness and neatness.

In the case of Lake County, it was discovered in July last, after the County Superintendent had held the office for more than a year, that he had never qualified by giving bonds, and the County Clerk was made ex-officio Superintendent. He found the records in such condition that it was utterly impossible for him to make out any returns in season. I have therefore filled out the blanks of Lake County with the statistics of the previous year, as it is not probable that any decrease has taken place.

All these reports have been neatly bound, as also those of the past three years, and constitute a part of the official records of the department, always open to inspection.

Many of the County Superintendents have exerted themselves to secure full returns from Trustees with a patience and perseverance worthy of all commendation. In counties which number from forty to sixty districts, it requires care and ability to make out a correct financial report;

and those who succeeded in doing so have proved themselves good accountants and careful officers.

In this class may be mentioned the Counties of Sonoma, Santa Clara, Sacramento, San Joaquin, and El Dorado. Accuracy is exceedingly important, as on these reports depend the correctness of the statistics for the whole State. The marked improvement in the county reports is a most encouraging sign of progress.

After having travelled extensively in the State during the past two years, it gives me great pleasure to bear witness, from personal observation and knowledge, to the zeal and efficiency with which the County Superintendents have discharged their duties. Many of them have honored their office. Many of them have fully proved the fact that teachers, thoroughly conversant with the work of the schoolroom, make the best executive school officers. The office, of right, belongs to the profession of teaching; and it speaks well for the good sense of the people and of political conventions, that very generally teachers have been nominated and elected to such positions. It is also a gratifying fact that a large number of the acting County Superintendents at the last election were re-elected for another two years' term. This is fortunate for the schools and complimentary to the Superintendents.

A few of the retiring County Superintendents who have done good service in the cause of education deserve especial mention in this report:

Superintendent Smith, of Sacramento, has greatly improved the schools of that county, by setting a high standard of qualifications in the County Board of Examination, by holding well conducted County Institutes, by visiting schools, and by introducing a uniform course of study for all the ungraded schools of the county.

Superintendent Goodrich, of Placer County, who has held that office for four successive years, has reason to be proud of the condition in which he leaves the schools over which he has presided.

Superintendent Upham has reorganized the schools of Butte County, by securing a corps of teachers second to none in the State in point of ability.

Superintendent Penwell, of El Dorado County, has proved a most efficient officer.

Superintendent Graham, of Tuolumne County, has administered faithfully and zealously the duties of his office.

Superintendent Townsend, of Amador County, has proved that a teacher may teach school and still make a good County Superintendent.

Superintendent Crook, of San Mateo County, who has held his office for two successive terms, has never made a blunder in his reports, and has honored his office.

All these County Superintendents are practical teachers, and several of them have taught school while holding office.

It is almost unnecessary for me to mention the able services of George Tait, the City and County Superintendent of San Francisco for a period of four years. Under his administration, the schools of that city advanced to a high degree of prosperity, and were reduced to a systematic course of instruction which compares favorably with that of the oldest Eastern cities. Mr. Tait was for six years a teacher in the public schools of San Francisco, and he proved by his administrative ability that the people need not go outside the profession of teaching to secure a capable Superintendent.



Superintendent J. C. Pelton, Mr. Tait's successor, is also a professional teacher, and the pioneer public school teacher of the State.

Superintendent Gaddis, of Yolo County, has held his office in that county for nine successive years—a sufficient proof of his ability. He can claim the honor of being a veteran in the service.

Among other capable officers retiring may be mentioned Reverend Mr. Seymour, of Alameda county; Reverend Mr. Pond, of Sierra County; and Reverend Mr. Cool, of Santa Cruz County.

The salaries of most of the County Superintendents have been materially raised during the past three years; but many of them are still underpaid. The duties of a Superintendent in the larger counties are arduous. He must convene and conduct County Institutes; preside at all teachers' examinations; apportion County and State school moneys; make a long and complicated annual report to the Department of Public Instruction; distribute blanks and forms to Trustees; decide points of school law; recommend teachers; visit schools; attend school examinations; deliver lectures; furnish plans for schoolhouses, and perform other duties too numerous to mention. In every county of thirty districts a County Superintendent should devote his whole time to the schools, and it would be the best economy for the county to pay him a liberal salary, which would enable him to do it. The salary paid would be but a small percentage on the school money of each county, and the increased efficiency of the schools would constitute the real economy of the measure. So long as the office is made only an attachment to some other business, the work of supervision cannot be accomplished.

In counties like Sonoma, Sacramento, and San Joaquin, each having fifty or more school districts, there is work enough to be done to keep the County Superintendent constantly occupied. Those officers should be paid the salary of a first class teacher, and in addition enough to pay travelling expenses. It is more for the interests of the schools than of the officers that this should be done. It is not reasonable to expect men to do work for which they are not paid. In several counties the salary of the Superintendent will hardly pay travelling expenses. In other counties the Supervisors have pursued the wise policy of paying liberal salaries. As a check against the gross injustice which is done the schools by the Supervisors of a few counties, I recommend that a provision be made fixing the minimum salary, which the Supervisors must allow, equal to twenty-five dollars for each district in the county. This would slightly increase the salary in only ten counties, as most counties pay forty dollars per district. Placer County pays sixty dollars per district. The law would be a security against the reduction of the present salaries, and a protection against political or personal prejudices. The State fixes the minimum rate of school tax which the Supervisors shall levy, and may with equal propriety determine the minimum rate of salaries paid to Superintendents, on whom in a great measure depends the economical expenditure of school money. In some States the salaries of County Superintendents are paid by the State.

#### COUNTY SCHOOL TAX.

Table Number Four in the statistical summaries exhibits the amount of county and city taxes for each child between four and eighteen years of

age, raised in the school years eighteen hundred and sixty-three, eighteen hundred and sixty-four, and eighteen hundred and sixty-five.

An examination of the returns for eighteen hundred and sixty-four will prove conclusively the necessity for the Act of March twenty-second, eighteen hundred and sixty-four, requiring each county to levy a minimum school tax equal to two dollars for each child of school age. Sacramento City and County raised six dollars and fifty-nine cents per child, and by county tax alone, two dollars and fifty-nine cents. San Francisco raised by city tax six dollars and nineteen cents per child. The counties which raised over four dollars per child were: El Dorado, Klamath, Merced, San Mateo, San Joaquin, Sierra, Tehama, Trinity, and Yuba. Seven counties raised between three dollars and four dollars; and four counties between two dollars and three dollars; *fifteen counties* raised less than two dollars; *eight counties* less than *one dollar*, and one county only *fifty-eight cents* per child. Sonoma County, one of the wealthiest in the State, having one fourth as many children as San Francisco, raised only *seventy-four cents* per child; and Santa Clara County, the garden of the State, with four thousand three hundred children, raised only one dollar and thirty-one cents per child, including the city tax of San José. Both these counties levied a tax of ten cents on a hundred dollars.

The rate of county tax levied in March, eighteen hundred and sixty-three, to raise the preceding amounts per child, was as follows: Monterey, Santa Cruz, Stanislaus, El Dorado and Trinity Counties, twenty-five cents per hundred dollars. Eleven counties levied twenty cents, five counties fifteen cents, sixteen counties ten cents, and two counties only *five cents*.

#### COUNTY TAX FOR EIGHTEEN HUNDRED AND SIXTY-FIVE.

The law requiring a minimum county tax of two dollars per child took effect on the twenty-second of March, eighteen hundred and sixty-four, which was just about the time that the various Boards of Supervisors were fixing the rates of county tax for the new revenue year, the collection of which would be reported in the school year ending August thirty-first, eighteen hundred and sixty-five.

The fact that the revenue year, the fiscal year, the school year, and the calendar year all differ from one another, rather confuses any attempt at comparative statistics.

The school taxes returned in the school year of eighteen hundred and sixty-four were collected by the rates levied in March, eighteen hundred and sixty-three, and those of eighteen hundred and sixty-five by the levy of March, eighteen hundred and sixty-four. In some counties the rate was fixed before a copy of the law could be sent to the Supervisors; but it was made the duty of the Auditor in that case to add the requisite rate. Several counties paid no attention to the law; but its effect was to very materially increase the total amount of money raised by county tax. The amount so raised in eighteen hundred and sixty-five by this levy was an average percentage of seventeen cents on each one hundred dollars of the State assessment roll; while the average for eighteen hundred and sixty-four was fifteen and one tenth cents, and for eighteen hundred and sixty-three fourteen and two fifths cents. The estimates of the Supervisors in making out the rates of school tax in March,

eighteen hundred and sixty-four, were based on the last previous census returns—that is, of eighteen hundred and sixty-three; so that the amount of county tax reported in eighteen hundred and sixty-five, divided by the number of census children in eighteen hundred and sixty-three, will show what counties complied with the law and what counties failed. Table Number Five shows the amount so raised by each county, with the rate of tax levied.

Twenty-nine counties raised more than two dollars per child—the minimum required by law. Amador County raised one dollar and eighty-five cents, but levied a tax of thirty cents—the maximum allowed by law. Calaveras levied only ten cents, and raised one dollar and eleven cents a child. Los Angeles County levied twenty-five cents, and raised one dollar and seven cents per child. Mendocino levied ten cents, and raised one dollar and forty-five cents; Plumas ten cents, raising one dollar and seventy-two cents; San Diego ten cents, raising one dollar and ninety-one cents; Santa Barbara ten cents, raising *thirty-nine cents per child*; Santa Cruz twenty-five cents, raising one dollar and forty-seven cents; Solano fifteen cents, raising one dollar and six cents; Stanislaus thirteen cents, raising seventy-seven cents; Tulare fifteen cents, raising eighty-two cents; Tuolumne ten cents, raising ninety-six cents.

Some of the preceding counties increased the rate of tax fixed in March, eighteen hundred and sixty-five; but quite a number retain the old and time-honored figures, the Supervisors caring more for economy than for law.

The following summary shows the amount raised last year for each child in the county, according to the census of July, eighteen hundred and sixty-five:

The City and County of San Francisco raised ten dollars and eighty-five cents; Sacramento City and County, seven dollars and ninety-one cents; and San Joaquin, city and county, eight dollars and thirty-one cents. The county tax, exclusive of city, in Sacramento, was five dollars and eight cents; in San Joaquin, two dollars and twenty-four cents. Merced county raised four dollars and forty-seven cents, and San Mateo four dollars and forty-six cents.

The following counties raised over three dollars: Del Norte, El Dorado, Humboldt, Klamath, Nevada, Sierra, Tehama, and Trinity.

Fifteen counties raised over two and less than three dollars: Alameda, Butte, Colusa, Lassen, Marin, Monterey, Napa, Placer, Shasta, Siskiyou, Sutter, Tehama, Santa Clara, San Joaquin, Yolo, and Yuba.

Twelve counties raised between one and two dollars per child: Alpine, Amador, Contra Costa, Fresno, Mariposa, Plumas, San Diego, San Luis Obispo, Santa Cruz, Solano, Sonoma, and Tuolumne. Of these counties, none levied thirty cents on a hundred dollars.

Calaveras County raised ninety-six cents per child, and levied a tax of ten cents on a hundred dollars; Lake County raised sixty-eight cents per child by a tax of twenty cents; Mendocino raised ninety-six cents per child by a tax of eighteen cents; San Bernardino raised fifty-three cents per child by a tax of fifteen cents; Santa Barbara raised thirty-six cents per child by a tax of ten cents; Stanislaus raised sixty-two cents per child by a tax of thirteen cents; Tulare raised fifty-four cents per child by a tax of fifteen cents.

It must be evident that a provision should be made in the law that any county failing to raise the amount required by law should forfeit either a part or the whole of the State school apportionment.

The average rate of county school tax for the whole State in eighteen hundred and sixty-three was fourteen and two fifths cents on a hundred dollars; in eighteen hundred and sixty-four fifteen and one tenth cents, and in eighteen hundred and sixty-five was seventeen cents on a hundred dollars. This shows a steady increase; and if the average could be slightly raised to twenty-five cents on a hundred dollars, nearly all the schools of the State would be made free. It is but just that the counties be required by the State to do their part in providing for schools. Unless required by law, the Supervisors of many counties, through a mistaken notion of economy, will not levy a rate of tax sufficient for the support of schools.

In many counties the amount raised by school tax does not equal the salary paid to a single county official. Economy is desirable, but not of that kind which defrauds the children of an education, and cheats the State by giving her uneducated citizens. Low rates of taxes are to be desired, but not at the expense of intelligence.

The total amount of money raised from all sources of revenue, and expended for public schools last year, was forty-eight and nine tenths cents on each hundred dollars. The amount raised by county tax was only equal to seventeen cents. The counties ought to raise by county tax at least one half the money expended for schools. They are as well able to stand taxation as the cities.

The schools ought to be made free; and the large amount now raised by rate bills should be raised by county tax. Again: county taxation is preferable to district taxation; it is less felt by the people, and more cheerfully paid.

I recommend, therefore, that the minimum county school tax be made equal to three dollars per census child, provided the rate shall not exceed thirty-five cents on a hundred dollars; and also provided, that every county which fails to comply with the law shall forfeit twenty-five per cent of the annual apportionment of the State School Fund.

Governor Andrews, of Massachusetts, in his annual message to the Legislature of that State for eighteen hundred and sixty-five, made the following recommendation, which applies with equal force to California:

"The amount expended for popular education in Massachusetts, exclusive of collegiate and professional schools, exceeds three million dollars annually.

"The satisfaction which these statements naturally inspire is somewhat abated in view of the fact that eighty-seven, or more than one fourth of the whole number of towns, have failed to keep their public schools the full term required by law. This, however, is to be attributed not so much to inadequate appropriations, as to the unhappy subdivision of these towns into small school districts, thereby seriously abridging the schools.

"I recommend that three dollars instead of one dollar and fifty cents raised by taxation, for each scholar, be made the condition on which its distributive share of the annual income of the School Fund shall be received by each town. Three dollars is less than one half the average sum now raised by the towns; and unless the sum required by law is increased, the conditions imposed by law will fail of being an influential motive for the future. Nor should any district share in the income of the fund, which omits to keep its school open six months in each year.

"Liberality towards all institutions of science and art which develop the mind and foster civilization, is our highest interest, and must be our

welcome duty. A commonwealth which spends freely, if wisely, in unfolding its material resources by artificial improvements, by cultivating the intellectual capacities of its people, by encouraging the ingenious to experiment, the aspiring to try their wings, and the studious to divine the mysteries of knowledge, must, of necessity, be prosperous and great. In such things to be mean is to be poor, to be generous is to become rich.

"That which is only economy when applied to an individual, whose enterprise must be bounded by the opportunities of a single lifetime and a limited fortune, becomes narrow and short-sighted when applied to States having all the combined opportunities and powers of millions of people, of all their possessions, and of unlimited duration of time."

### COUNTY INSTITUTES.

No State Institute was called in eighteen hundred and sixty-four, the State Superintendent believing the organization of County Institutes to be of greater importance and utility. In County Institutes, where the number of teachers is small, methods of instruction relating to the practical duties of the schoolroom can be taken up and discussed. In a State Institute, numbering several hundred teachers, this is impossible. A State Institute must deal with general principles by means of lectures. Both are desirable, but the County Institutes are of more practical and immediate value.

The amount expended for County Institutes during the past two years, was two thousand four hundred and twenty-two dollars, all of which was paid out of the County General Fund, with the consent of the Supervisors. The number of teachers attending these Institutes was two hundred and sixty-one in eighteen hundred and sixty-four, and two hundred and seventy-two in eighteen hundred and sixty-five. Of this number, one hundred and forty-eight in eighteen hundred and sixty-four, and one hundred and thirty in eighteen hundred and sixty-five, were allowed and paid by Trustees for the time in attendance the same rate of wages as if they had continued in school.

This shows a gratifying appreciation by Trustees of the value of such meetings. These Institutes have usually been held for a session of four days. I have been present at most of them, and can bear witness to their good results.

Institutes have been held during the past two years in the following counties: Sacramento, Placer, San Joaquin, Napa, Amador, Calaveras, Solano, Santa Cruz, Monterey, Contra Costa, Mariposa, Sutter, and Santa Clara. The County Boards of Examination have usually held a session in connection with the Institutes. In several counties, a part of the appropriation allowed by the Supervisors has been expended for the purchase of books for a County Teachers' Library; and in others, a Library Fund has been raised by subscription, or by the proceeds of readings and lectures. The Counties of Sacramento, Santa Clara, San Joaquin, and Amador, have already secured quite valuable libraries, which are doing excellent service among the teachers.

For the purpose of aiding these libraries, I have proposed, under the head of amendments to the school law, that all persons who pass examination for county certificates, shall pay a small examination fee, to be

expended for library books, or educational periodicals. Many of the teachers in the State are so poorly paid, and their habits are necessarily so migratory, that it is utterly impossible for them to own books which every teacher should read. Some of these library associations subscribe for every educational journal published in the United States, and thus a vast amount of educational literature is brought within the reach of each teacher. These libraries and journals are also of great value to County Superintendents, who, by a little exertion, could also secure the reports of all the States and larger cities in the Union.

### SCHOOL VISITS.

The number of official school visits made by County Superintendents last year, was one thousand seven hundred and eight; nearly double the number in eighteen hundred and sixty-four. This gives an average of two visits to each school, and of thirty-six to each County Superintendent. School Trustees made four thousand six hundred and eighty-four visits, a gain over eighteen hundred and sixty-four of one thousand one hundred and eighty-six, and five times as many as in eighteen hundred and sixty-three. The number of visits made by other persons, mainly parents, was twenty-four thousand one hundred and twenty-one; an increase over eighteen hundred and sixty-four of ten thousand seven hundred and sixty-one, and ten times as many as in eighteen hundred and sixty-three. These statistics indicate that parents are taking a deeper interest, personally, in the schools. All parents whose children attend school ought to be assistant teachers, not only by upholding at home the authority of the teacher, but by visiting the school and encouraging both teacher and pupils. The indifference of parents is a great drawback on the success of many schools. In some schools, indeed, it is a dead weight, which no power of the teacher is able to overcome.

It is not enough that parents and citizens vote taxes, and build school-houses, and pay teachers. They must give life to the schools by visiting them, and by personal co-operation with the teachers. The relation of the home to the school is so ably treated by Honorable J. B. Chapin, State Superintendent of Rhode Island, that I cannot forbear quoting from his report for eighteen hundred and sixty-four:

"While it is justly claimed that there has been a very great improvement in the condition of our schools, as compared with what it was fifty years ago; yet when we remember how much has been written and spoken and done to accomplish this change—the vast amount of earnest thought, of zeal, of enthusiasm, of patient labor expended—it must be confessed that the result is by no means commensurate with the effort made to obtain it. The engine has worked sluggishly, laboriously, with side motion and friction; but with very much less progress than the power which was applied promised. What has been the retarding force? What is the chief obstacle which has kept back the car of educational progress, until those who have had the train in charge have, at times, almost lost hope of bringing it to the terminus of the broad, well laid, thorough, universal education? The opposing power is undoubtedly complex. The obstacle is many-sided. But the one persistent hindrance,

the ever-obtruding obstruction, is the fact that parents do not rightly comprehend the obligation which rests upon them *primarily* to secure for their children the best possible education—that it is an obligation imposed upon them not by the child, nor by man, but by Him who first set men in families. *Parents do not co-operate with the teacher as they ought in the education of their children.* By this it is not here meant that they do not furnish a commodious schoolhouse, constructed after the most approved model, located in the most advantageous spot, supplied and surrounded with whatever will make it the most convenient and attractive; that a teacher thoroughly qualified and liberally compensated is not provided; that text-books of the most popular issue are not furnished, nor that the school is not visited, and the teacher is not sustained in his methods and effort of teaching and disciplining. None of these very common and too often very just charges are made. The delinquency lies back of all this. It is antecedent, broader, deeper, more vital. This neglect of co-labor is not in the schoolhouse, but at the fireside. It grows partly out of a natural disposition to evade justly imposed obligation, and partly out of a very prevalent error concerning the essentials of a good education. Most men, if asked what they intend by the phrase, a good education for a boy or girl, would reply, a thorough knowledge of those branches usually taught in our public schools. A very little observation and reflection will show that this is not necessarily true. The answer of the Greek philosopher, Aristippus, was much nearer the truth—that youth should be taught ‘those things they will need most to use when they become men.’ It is not the boy who has during his schooldays acquired the greatest amount of knowledge, who is the most thoroughly educated; but it is he who, while he was acquiring this knowledge, has had secured to him, or rather, by the help of others, has secured for himself the most complete development and discipline of all his faculties and powers of mind and heart. Reading, writing, arithmetic, and geography, are well—they are important. But habits of patient thought, of careful observation, of critical discrimination, of judicious decision, are better—they are indispensable. However much a boy may have acquired of the former, if he has not succeeded in laying a foundation for the upbuilding of the latter, he is illy qualified for the duties and trials of life. He is poorly educated. It is precisely here that we err in our estimate of the value of the *education* of those who are designated as ‘self made men.’ They are deficient, as we say, in academic culture; but they are men of strong minds, and stronger wills, thoroughly trained and skilled in the application of knowledge to useful purposes. They may be unable to translate Greek and Latin, but by an invincible determination, in the face of obstacles and under difficulties, they have placed their understandings in contact with cultivated intellect, and have succeeded in establishing mental habits which qualify them to be interpreters of men and nature. The particular process by which one becomes a man, is of much less consequence than the fact that he *is* a man. Boys cannot be taught too early that the most of every man’s manhood is secured by the habits of his boyhood. Often the best part of a child’s education is progressing when both he and his teacher are unconscious that he is doing anything in that direction. \* \* \*

“Another method by which parents may co-operate with the teacher is, by establishing in the child a consciousness of self respect. Make him realize that every delinquency is injustice to himself—that whenever he violates authority he practices self debasement—that his whole moral nature is insulted and outraged by every act of disobedience. Let him

see, at all proper times, and by all proper means, that obedience is not so much a favor yielded to the governor, as it is a positive good accomplished for the governed. For besides commanding the respect of others, he thereby possesses himself of a calm and steady self control and the approval of his own conscience. Such a possession forarms him against temptation, insures virtue and intelligence, and the consequent blessings of individual and social order and happiness. It is the best promise and guarantee of such a manhood as our country so much needs in this dark hour of her history—broad-shouldered, symmetrical, self reliant, tenacious, genial, benevolent, and wise.

“Moreover, children at home should be taught habits of industry, which they will be *sure to take with them to school.* Diligence here invariably secures diligence there. Furnish them *regularly* with something to do—some light, agreeable employment, adapted so far as may be to their tastes and years—insisting, also, that whatever is attempted shall be done *well.* Let the daughters assist in the various domestic duties, taking their turns so that such assistance shall not become irksome. Make them accomplished housekeepers in every department. Let the boys be likewise employed out of doors. Do this not for the sake of the assistance, *but for the children’s sake.* Teach them the value of *industrious habits*, and the worthlessness of *idle habits*—that the first are to be practised as a virtue, and the last to be avoided as a vice. Do not keep them continually at work. Allow ample time for play, both indoors and out, and when practicable join them in their sports. Do not confine them too closely, either at work or study. This would do violence to their natures, and prove an indiscreet restraint upon the buoyancy and joyousness of youth, and would certainly result in evil. The aim should be to see that employment and not idleness is the *habit.* This accomplished, and the irksomeness of *tasks* is removed. Business, whether physical or intellectual, becomes a pleasure, and both scholar and schoolmaster are relieved of half their burden. Be sure and keep your children from the street and highway, *and at home during the evenings.* Make home both attractive and profitable. Take pains for it—it is a duty. Do these things, and thereby lay up joys for yourselves and inestimable blessings for your children, remembering that the influence of *such education* is not limited to the individual family. Children are not educated until they catch the charm of such influences. They are felt also by the neighbor, the sojourner, and the passer-by. Silently, but with energy, they mould society, securing boundless treasures of good to the country and the world.

“Parents should be careful, also, to secure habits of punctuality, requiring everything to be done at the right time, as well as in the right way. See to it that the children are sent punctually as well as regularly to school. So far as practicable keep your children tidy and clean. Rags and a dirty face have a terribly demoralizing influence. Slovenly moral and social habits grievously retard intellectual improvement. Keep the consciences of children tender. Teach them not only to *fear* to do evil, but to *hate* to do it. Make their love of truth deep, strong, and abiding. Furnish them with high and worthy motives for endeavor. In no other way will parental co-operation prove half so effectual in the advancement of education, as in these thus indicated.

“It is in vain to reply that most parents are not qualified for all this. It is not true. There is no father, however humble his capacities, or

however limited his attainments, but can require and insist upon prompt and implicit obedience. There is no mother, however burdened with household cares, but can teach her daughter the folly as well as the wickedness of uttering an untruth. Parents, however straitened, can form in their children such habits of obedience, of diligence, of probity, of cleanliness, of sobriety, as shall thoroughly equip them for the battle of life, making conquest easy and triumph complete."

### STATE TEACHERS' INSTITUTE.

A State Teachers' Institute was held in the City of San Francisco from September nineteenth to the twenty-fourth, eighteen hundred and sixty-five. No appropriation in aid of such Institutes was granted by the State Legislature in eighteen hundred and sixty-three; but owing to the liberality of the Board of Education of San Francisco, which tendered the use of the Lincoln Schoolhouse, and paid the bills for gas, the State Superintendent was enabled to hold one without any expense whatever to the State.

The Institute was convened in September, during the vacation of the city schools, that being the only time in the year when the Lincoln Hall could be used for such a purpose. Notwithstanding the fact that many of the schools in the interior had just opened their new terms for the year, in consequence of which the teachers were unable to attend, three hundred teachers from various parts of the State were present, and the exercises passed off very pleasantly.

The Institute was called for solid results rather than display. The most important purpose for which it was convened was the holding of an examination of applicants for State diplomas and certificates. How well that purpose was accomplished is set forth in another part of this report.

The following voluntary lectures were delivered before the Institute: "The State and the School," Rev. John E. Benton; "School Law," by the State Superintendent; "Geography of California," Charles Russell Clarke; "A Practical Education," Professor Kellogg; "Physical Training," Ebenezer Knowlton; "Physiology and Hygiene," H. P. Carlton; "Force," Dr. Washington Ayer; "Comparison between the European and American Systems of Education," Bernhard Marks; "Moral Training," S. H. Willey, Vice President of the College of California; "Modern Languages in Public Schools," Ralph Keeler; "Education," Dr. Lucky, President of Vacaville College.

Several of these able addresses have already been published in the *California Teacher*, and others will appear during the year. The subjects of "School Libraries," "Course of Study for Ungraded Schools," and "Teachers' Life Diplomas," were discussed at length.

A committee of all the County Superintendents present at the Institute acted in detail on the sections of a bill of amendments to the school law, and, with a few immaterial changes, approved the provisions submitted to the committee by the Superintendent of Public Instruction.

An evening ticket lecture was delivered by J. Ross Browne, about "Queer People and Queer Places," which netted the sum of fifty-four dollars for the benefit of the *California Teacher*, after paying the expenses

of the lecture. Also an evening lecture on Natural Philosophy, by Professor Minns, of the State Normal School.

The California Steam Navigation Company gave all members of the Institute *free passes to and from San Francisco*, over their several routes of travel, and the railroad lines gave free return passes to Institute members.

### COUNTY BOARDS OF EXAMINATION.

The whole number of first grade county certificates granted during the past two years was four hundred and eighty one; of second grade, seven hundred and sixty-four. In eighteen hundred and sixty-four, one hundred and thirty-nine applicants failed to pass examination, and in eighteen hundred and sixty-five one hundred and ninety-eight were rejected, which would seem to show that the standard of qualification had been raised. Members of County Boards of Examination are allowed five dollars each for each session, payable out of the County School Fund. The amount so paid during the past two years was two thousand five hundred and thirty-nine dollars, an average of one dollar and sixty cents for each person examined.

When it is considered that these examinations are generally conducted in writing, and usually continued two days, the small compensation allowed is certainly earned by the examiners.

The Boards of Examination in the following counties deserve especial commendation for their thorough written examinations, and for the high standard of excellence which they have maintained: Sacramento, Santa Clara, San Joaquin, Napa, El Dorado, Butte, and Shasta. In these seven counties one hundred and sixteen applicants failed to pass examination. In the City and County of San Francisco eighty-seven applicants were rejected.

The County Superintendent has the power to grant temporary certificates, either with or without examination, valid until the next regular examination by the County Board. The whole number of temporary certificates so issued was six hundred and forty-five, larger than the whole number of first grade certificates issued.

It is no doubt at times a convenience for County Superintendents to have this power, but great evils result from it. As the certificates are only temporary, Superintendents are not careful about issuing them; indeed, it is impossible for them to examine applicants singly. Once granted, and the holder engaged in teaching, even if the County Board find him incompetent to pass a respectable examination, they hesitate about breaking up the school, dislike to cast a reflection on the judgment of the County Superintendent, and so issue a second grade certificate. Temporary certificates have proved the floodgates for letting incompetent persons into the occupation of teaching, to the detriment of the schools and to the disadvantage of well qualified teachers. So long as incompetent teachers can be found to work for low wages, Trustees will employ them.

The only remedy rests with County Boards of Examination. Self-protection ought to be a sufficient inducement to teachers acting on such

Boards to do their duty faithfully, for the greater the number of unmerited certificates set afloat in loose examinations, the lower will be the compensation of really good teachers, and the greater the difficulty of securing schools. They should set their faces like flints against all personal influences, and grant certificates to those only who are found qualified by education, experience, or special training, for the occupation of teaching.

It is very desirable to have something like uniformity in the standard of examination, and in the manner of examining; and in the proposed amendments to the school law will be found a section relating to this subject. The old forms of certificates being bulky and difficult to be transmitted in letters, I have prepared an edition of county certificates in book form, printed on bank note paper. Each book contains fifty certificates, with a tag attached to each, so that when the certificate is torn out a record remains of the date and grade, and of the name of the person to whom it was granted. Thus an exact record, in a convenient form, must be kept by every Board for future reference.

Many County Superintendents have found no records whatever of certificates granted by previous Boards.

The following is the form of a county certificate :

No. ....	COUNTY CERTIFICATE.	
	State of California, [STATE SEAL] County of .....	
THE Board of Examination of ..... County have examined .....		
in all the studies required by law, and have found that ..... has given satisfactory evidence of good moral character, and of fitness for the Profession of Teaching.		
We therefore grant this Certificate of the ..... Grade, which shall remain valid for the term of ..... year... from date, and which may be renewed at the option of the County Board of Examination, by their indorsement thereon.		
Dated, .....	Supt. Public Schools.	Board of Examination.
.....	.....	
.....	.....	
.....	.....	
.....	.....	
[See back of Certificate for standing.]		

On the back is a list of studies in which it is desirable that teachers shall be examined, with the perfect standard of credits attached to each one, and a blank space for filling in the credits in each study obtained by the teacher examined. Each certificate carries on its back the evidence of the examination and scholarship of its holder :

### STANDING IN EXAMINATION.

	Credits.	Per Stan		Credits.	Per Stan
Orthography.....	50		Brought forward.....	850	
Defining.....	50		Constitution and Government		
Reading.....	50		of United States.....	50	
Pennmanship.....	50		Theory & Practice of Teaching.....	100	
Physiology.....	50				
Natural Philosophy.....	50		<i>Extra credits, not to exceed 25</i>		
English Composition.....	50		<i>for each branch :</i>		
Algebra.....	50		Vocal Music.....		
Arithmetic.....	100		Drawing.....		
Geography.....	100		School Gymnastics.....		
Grammar.....	100		Experience in Teaching.....		
History of United States.....	100				
California School Law.....	50		Total.....	1000	
Carried forward.....	850		Percentage.....		

### STATE BOARD OF EXAMINATION.

One of the principal objects of the State Superintendent in calling a State Teachers' Institute in September last was for the purpose of enabling teachers throughout the State to avail themselves of the opportunity offered to secure State certificates at the session of the State Board of Examination held in connection with the State Institute. By the provisions of the school law this Board must consist of professional teachers, appointed by the Superintendent of Public Instruction, who is ex-officio Chairman of the Board. The members of the present State Board are—Professor George W. Minns, Principal of the State Normal School; Professor Samuel I. C. Swezey, Graduate of the State Normal School of New York, and one of the editors of the *California Teacher*; Bernhard Marks, Principal of the Spring Valley Grammar School; Ebenezer Knowlton, Principal of the Rincon Grammar School; and the State Superintendent.

The examination was conducted in writing, by means of printed questions, with the exception of reading and elocution; and embraced fifteen different papers of twenty questions each, or three hundred different questions to be answered by each applicant.

The questions were carefully prepared, with the design of drawing out the general knowledge of teachers, rather than their ability to answer puzzling technical questions relating to text books. Whether the Board accomplished this purpose or not can best be determined by reference to the questions, which are given in full in this report. While it was the intention of the members of the Board to make the examination a thorough and searching one, they endeavored to set a fair standard which should place a diploma or certificate within the reach of all public school teachers who, with a good average education, had fitted themselves by study and experience for the occupation of teaching.

The whole number of applicants who entered the examination was eighty-six, most of whom were teachers from various parts of the State,



and many of whom had been engaged in teaching for several years. One lady reports herself as having taught school for twenty-five years in various parts of the world, such as England, Wales, Chili, Peru, and in San Francisco, San Diego, and several other places in California.

The whole time occupied in writing out the answers to the fifteen sets of questions was a little more than thirty hours, or an average of two hours on each paper. The examination commenced on Tuesday, September nineteenth, and was completed on Friday, the twenty-second, making an average of seven and one half hours each day of busy writing and hard thinking.

When it is taken into consideration that most of these teachers also attended a session of the Institute three hours each day, it is evident that the State examination was a severe test of endurance; and that those who passed it should be excused for a liberal percentage of blunders and brief answers.

The examination papers, when completed, made a volume of four thousand pages of closely written foolscap manuscript; embracing more than twenty thousand questions to be examined and credited separately; each answer to be credited, if correct, with five credits, or if partially correct, with three, two, one, or nothing, as the case might be. The examination and summing up of such a mass of manuscript was a most laborious task; and if the Board had the satisfaction of proposing tough questions, they paid the full penalty for their temporary delight by the long continued, wearisome, and vexatious labor of many long days and late evenings.

The careful examination of the papers on grammar, geography, and history of the United States, required at least three days' work of ten hours a day on each study.

On arithmetic, geography, grammar, history of the United States, and methods of teaching, one hundred credits each were allowed, these being considered as the more important branches; fifty credits each were allowed on algebra, physiology, natural philosophy, penmanship, English composition, orthography, defining, reading, Constitution and Government of the United States, and School Law of California. The perfect standard of credits on all the papers was one thousand, of which algebra and arithmetic embraced only fifteen per cent, and counted no more in examination than English grammar and English composition taken together, and the same as methods of teaching and spelling united. Physiology, penmanship, and natural philosophy, counted the same in the examination as mathematics. It was not the intention of the Board to degrade mathematics, but rather to elevate the other branches. Expertness in arithmetic and algebra are no longer made the principal tests of a teacher's education. The result of the examination showed that many applicants, known to be excellent teachers, whose percentages in mathematics were ruinously low, came up so near the perfect standard in other branches as to secure first class certificates. The average percentage of all the papers on algebra was forty-two, and on arithmetic fifty-four; both lower than the lowest per cent on which a primary or third grade certificate was granted; while on English composition—in which the teacher was required to write three pages on a subject assigned, in two hours, and which was closely examined in respect to expression, construction, penmanship, and punctuation—the average percentage was sixty-eight. The average percentage on history of the United States was only forty-two, while on theory and practice of teaching, which related to the daily duties of the schoolroom, the

average was seventy-five, on spelling seventy-eight, and defining seventy-four. The percentage on algebra was only forty-two; on physiology it was seventy-seven, and on penmanship seventy-three. It is but just to say, however, that the questions on algebra were complicated and difficult. Extra credits, not exceeding twenty-five, were allowed on experience and success in teaching, and also twenty-five credits each on ability to teach drawing, vocal or instrumental music, and school calisthenics.

Of the eighty-six who entered, twenty-one withdrew on account of illness, and various other reasons, before completing the papers; and sixty-five went through with the entire examination.

At the opening of the examination the applicants were required to write their names and address on one side of a card, on the back of which was a number to correspond. These cards were collected by the Chairman of the Board, and throughout the examination the applicants were known only by numbers. The papers were all signed with numbers instead of names; and the Examiners, in crediting the papers, had no means of knowing the author of a single paper until the summary was made and entered on the tabular statement. Of course, no partiality could possibly be charged upon anybody. In allowing the extra credits on experience in teaching, drawing, music, and calisthenics, the names were known; as also in reading. The papers on arithmetic and algebra were examined by Mr. Marks; on orthography and defining, by Professor Swezey; on natural philosophy, and Constitution and Government of the United States, by Professor Minns; on philosophy, penmanship, and methods of teaching, by Mr. Knowlton; and on grammar, geography, school law, and English composition, by the State Superintendent. Mr. Carlton examined the papers on history of the United States, the only papers credited by any one except members of the Board. All applicants not personally known to members of the Board were required to present credentials or references in respect to moral character.

The standard set by the Board for granting State educational diplomas was eighty per cent on the whole examination.

State diplomas can be granted under the law only to teachers who have taught school one year in the State, and who have had three years experience in teaching. On summing up the results of the examination, seven teachers had received over eight hundred credits, and had also fulfilled the requisitions of the law in respect to teaching.

The highest percentage reached was gained by "No. 25," eighty-nine per cent; the next highest by "No. 30," eighty-eight and six tenths per cent, and the lowest per cent was eighty. State educational diplomas were issued to the following teachers:

Mr. ROBERT TAYLOR, Jr.	El Dorado County.
Mr. ROBERT DESTY	San Francisco.
Mr. R. K. MARRINER	San Francisco.
Mr. H. N. NUTTING	Butte County.
Mrs. MARY L. SWETT	San Francisco.
Mr. GEORGE C. MACK	Napa.
Mr. F. R. BROWN	Butte County.

The average percentage of the seven teachers who received diplomas was eighty-four. The average length of time in which they had been engaged in teaching was six years.

The form of a State diploma is as follows:

On the back of the diploma is a printed list of the different topics of examination. In one column is the perfect standard of credits, and the other blank column is filled out on each certificate with the number of credits the teacher secures on each study.

First grade State certificates, valid four years, for teaching grammar schools, were issued on percentages from seventy to eighty, and sixteen teachers received them. The highest percentage of any one of these sixteen was eighty-one; but not having had any experience in teaching, the young lady could not receive a diploma. The average percentage of all who won first grade certificates was seventy-four; the average experience in teaching, five and a quarter years. A first grade certificate, obtained on a percentage seven hundred credits out of a thousand,

Mr. GEORGE E. HOUGHTON.....	Stockton.
Mr. S. D. SIMONDS.....	San Francisco.
Mr. E. J. SCHELLHOUS.....	Placer County.
Mr. M. A. RALPH.....	Sonora.
Mr. JOHN C. SHIPLEY.....	Sonoma County.
Mr. R. B. WARREN.....	Jackson.
Mr. S. H. JACKMAN.....	Sacramento County.
Mr. J. A. LOUITT.....	State Normal School.
Mr. J. F. KENNEDY.....	State Normal School.
Mr. JOHN A. MOORE.....	State Normal School.
Mr. A. S. HOPKINS.....	Solano County.
Mr. R. P. DAVIDSON.....	Yolo County.
Miss MARY J. LEDLIE.....	Sacramento.
Miss LOUISA O. FERNALD.....	Santa Cruz.
Miss SARAH H. CLARK.....	Toronto (Canada) Training School.
Miss ELLEN A. EVANS.....	Shasta.

Second grade certificates, valid for two years, were issued on from sixty-five to seventy per cent, and the average per cent of the seven teachers who received them was sixty-six—so near to a first grade certificate, that a little more care would have secured one. The average length of experience in teaching was eight years. On the whole, the second grade certificates of this examination are but little below the first. Five were issued to gentlemen, and two to ladies.

Third grade certificates, valid for two years, for teaching in primary, or in small ungraded schools, were granted to those whose percentages ranged from fifty-five to sixty-five. Several teachers whose standing in other studies was good, fell into this grade on account of not passing any examination in algebra and natural philosophy. The examination for this grade of certificates ought to have been conducted with a different set of questions from the other grades; but under the circumstances it



was impossible. Of the twelve who received third grade certificates, seven were male teachers, and five female teachers. All had taught school, and the average experience in teaching was five and a quarter years. Those who received third grade certificates at this examination have no reason to be ashamed of them, for their grade is higher than many first grade county certificates. The average percentage of all the teachers of this grade was fifty-eight.

The number of applicants who fell below fifty-five per cent was twenty-three, of whom twelve had never taught school. The average experience in teaching of this class was a little more than one year. Of this number nine were male and fourteen were female teachers. The average percentage of this grade was thirty-eight.

A few teachers failed, whose failure is by no means an evidence of their unfitness to teach. They were unused to written examinations, and not having had opportunity for reviewing, appeared on paper at a sad disadvantage. Their names are carefully locked up in the Department of Instruction, with the expectation that they will appear in the first grade list next year.

It is not claimed by the State Board that the last examination was in all respects what could be desired. The large number examined, the short time for examination, and the duties of the Chairman as President of the Institute, precluded the possibility of any oral examination of applicants, which is very desirable in all examinations.

It was utterly impossible to hold any examination in vocal and instrumental music, drawing, and school calisthenics; consequently the Board credited the teachers in these branches from personal knowledge, or from the credentials presented. Under the head of extra credits for experience in teaching, credits were allowed, not for the number of years engaged in teaching, but from known *success* in teaching. Some teachers not personally known to the Board, who presented no written evidences of success, doubtless were entitled to credits where they received none.

I have been thus specific in summing up the results of this examination from the fact that all the County Boards of Examination in the State were furnished with sets of the same questions, and that they have been used, in part, in many examinations.

During the past three years the County Superintendents have been regularly supplied with all the printed questions used by the State Board of Examination; and, as a result, the county examinations have been modelled somewhat after the State, and the standard of qualification for teachers materially elevated. Unless a high standard is established and carefully enforced, there is no security for the efficiency of the public schools. Incompetent teachers may nullify all legislation, and degrade the character of our public schools. In no other way than by thorough State examinations is it possible to form an earnest and capable *corps* of professional teachers in the State; and, believing that all teachers who have fitted themselves for such examinations, and secured State diplomas, should be recognized officially by the Department of Instruction, I have prepared for publication in this report, a full list of the names of teachers to whom diplomas and first grade certificates have been issued since the present law came into effect, June, eighteen hundred and sixty-three.

The school law of eighteen hundred and sixty provided for a State Board of Examination, appointed by the Superintendent of Public Instruction, and empowered the Board to grant certificates of two grades, grammar and primary, valid for two years. At the first session of the

Board, Superintendent Moulder, Chairman, in San Francisco, April first, eighteen hundred and sixty-one, six applicants were present. Grammar certificates were granted to Mr. John P. Ladd, B. T. Catlin, and James Stratton; and two primary certificates were issued. April first, eighteen hundred and sixty-two, another session was held, at which five applicants were present, and four primary certificates were granted. A third session was held at Sacramento, September twenty-seventh, eighteen hundred and sixty-two, in connection with a State Institute, at which nineteen applicants were present. The examination was mainly oral, and very brief. Grammar certificates were awarded to Mr. M. I. Ryan, Mr. T. W. J. Holbrook, Mr. W. S. Hunt, Mr. J. N. Burke, and Mr. Israel Jones. Twelve second grade certificates were granted, all but one to male teachers. The total number of grammar certificates issued under Superintendent Moulder's administration was seven, none of which have been renewed; and of primary certificates eighteen, all of which have expired.

Under the revised law of eighteen hundred and sixty-three, a session of the State Board, composed of twelve teachers and County Superintendents, the present State Superintendent Chairman, was held in the City of San Francisco in connection with a State Teachers' Institute. Ninety-five teachers presented themselves for examination, of whom seventy-five completed the examination. The examination was conducted in writing in the following studies, credited as follows: Arithmetic, one hundred; geography, one hundred; grammar, one hundred; history of the United States, fifty; algebra, one hundred; natural philosophy, fifty; physiology, fifty; orthography, twenty-five; defining, twenty-five; and methods of teaching, one hundred; making ten sets of questions, with a perfect standard of seven hundred credits. State diplomas were granted on seventy-five per cent of the whole, provided the applicant had taught three years with success; first grade certificates, on sixty-five to seventy-five per cent; second grade, on fifty to sixty-five per cent; and third grade, on forty to fifty per cent.

Whole number of State educational diplomas issued.....	9
Whole number of first grade certificates.....	7
Whole number of second grade certificates.....	10
Whole number of third grade certificates.....	20
Total .....	46
Number rejected .....	31

A second session of the Board was held in San Francisco in May, eighteen hundred and sixty-four.

The examination was conducted by means of printed questions, in arithmetic, geography, grammar, history of the United States, orthography, defining, penmanship, object teaching, physiology, algebra, natural philosophy, and methods of teaching. The number of applicants was twenty-seven, of whom two received State diplomas on seventy-five per cent of credits; five received first grade certificates on sixty-five per cent; two received second grade, and four third grade certificates, and fourteen failed.

A third session was held in December, eighteen hundred and sixty-

four, in connection with the city examination, on the result of which three State diplomas were issued, four first grade, three second grade, and four third grade certificates; rejected, fourteen.

A fourth session was held in connection with the City Board in June, eighteen hundred and sixty-five, at which two State diplomas, six first grade, ten second grade, and ten third grade certificates were issued, and twenty-four failed.

The State Board has twice granted State certificates on the results of examinations held by the Board of Education of the City of San Francisco, recognizing the standard fixed for a grammar master as equal to that of a State diploma.

At the late session in September, eighteen hundred and sixty-five, the State Board also unanimously voted to grant State diplomas to the pioneer grammar masters of San Francisco, who had stood the test of numberless annual examinations, and whose ability had been demonstrated by many years of successful teaching. Three teachers in other parts of the State, distinguished for educational services and success in the profession, were also included in the list. The total number of State diplomas granted since May, eighteen hundred and sixty-three, is forty-four; of first grade certificates, forty-five; of second grade, thirty-two; of third grade, fifty. Number of applicants rejected, one hundred and six.

## STATE EDUCATIONAL DIPLOMAS.

When Issued.	Name.	Residence.
June, 1863.....	Thomas C. Barker.....	San Francisco.
June, 1863.....	Stephen G. Nye.....	Centerville.
June, 1863.....	Bernhard Marks.....	San Francisco.
June, 1863.....	T. W. J. Holbrook.....	San Francisco.
June, 1863.....	Joseph W. Josselyn.....	San Leandro.
June, 1863.....	Thomas Ewing.....	Cacheville.
June, 1863.....	William K. Rowell.....	Brooklyn.
June, 1863.....	C. C. Cummings.....	Vacaville.
June, 1863.....	Edward P. Batchelor.....	San Francisco.
May, 1864.....	Augustus Morse, Jr.....	San Francisco.
December, 1864..	B. F. Morrison.....	Placerville.
September, 1864.	Azro L. Mann.....	Marysville.
June, 1865.....	A. T. Winn.....	Los Angeles.
June, 1865.....	J. D. Littlefield.....	San Francisco.
June, 1865.....	George W. Minns.....	San Francisco.
June, 1865.....	Henry P. Carlton.....	San Francisco.
June, 1865.....	Abira Holmes.....	San Francisco.
November, 1865.	Robert Taylor.....	El Dorado County.
November, 1865.	Robert Desty.....	San Francisco.
November, 1865.	R. K. Marriner.....	San Francisco.
November, 1865.	Mrs. Mary L. Swett.....	San Francisco.
November, 1865.	H. N. Nutting.....	Bangor, Butte Co.
November, 1865.	George C. Mack.....	Napa.
November, 1865.	F. R. Brown.....	Chico.
November, 1865.	George W. Simonton.....	Vallejo.
November, 1865.	George Tait.....	Centerville.
November, 1865.	Ebenezer Knowlton.....	San Francisco.

When Issued.	Name.	Residence.
November, 1865.	Thomas S. Myrick.....	San Francisco.
November, 1865.	James Stratton.....	San Francisco.
November, 1865.	James Denman.....	San Francisco.
November, 1865.	Ira G. Hoitt.....	San Francisco.
November, 1865.	T. C. Leonard.....	San Francisco.
November, 1865.	Theodore Bradley.....	San Francisco.
November, 1865.	George W. Bunnell.....	San Francisco.
November, 1865.	Ellis H. Holmes.....	San Francisco.
November, 1865.	John C. Pelton.....	San Francisco.
November, 1865.	E. Rousseau.....	Sacramento.
November, 1865.	J. H. Sumner.....	San Francisco.
November, 1865.	Miss Minnie F. Austin.....	San Francisco.
November, 1865.	Miss Mary L. Bodwell.....	San Francisco.
November, 1865.	Miss Eliza W. Houghton.....	San Francisco.
November, 1865.	Miss H. M. Clark.....	San Francisco.
November, 1865.	Alfred Higbie.....	Napa.
November, 1865.	Miss Frances Lynch.....	San Francisco.
November, 1865.	J. M. Sibley.....	Oakland.

## FIRST GRADE STATE CERTIFICATES.

When Issued.	Name.	Residence.
June, 1863.....	Azro L. Mann.....	Marysville.
June, 1863.....	Miss H. O. Belcher.....	Marysville.
June, 1863.....	Miss Mary A. Burlingame.....	San Francisco.
June, 1863.....	William R. Bradshaw.....	Sutter County.
June, 1863.....	Robert Desty.....	Shasta.
June, 1863.....	Miss Mary A. Casebolt.....	San Francisco.
June, 1863.....	Miss Frances Lynch.....	San Francisco.
June, 1863.....	Miss Mary R. Harris.....	San Francisco.
June, 1863.....	Miss N. B. Diamond.....	San Francisco.
June, 1863.....	L. W. Reed.....	San Francisco.
June, 1863.....	George H. Peck.....	San Francisco.
June, 1863.....	Eugene T. Thurston.....	San Francisco.
May, 1864.....	J. D. Littlefield.....	San Francisco.
May, 1864.....	Miss Helen Satterlee.....	San Francisco.
May, 1864.....	Miss Minnie F. Austin.....	San Francisco.
May, 1864.....	William Hale, Jr.....	San Francisco.
May, 1864.....	George Brown.....	San Francisco.
December, 1864..	William R. Bradshaw.....	San Francisco.
December, 1864..	Sextus Shearer, Jr.....	San Francisco.
December, 1864..	Ralph Keeler.....	San Francisco.
December, 1864..	L. D. Allen.....	Napa.
June, 1865.....	J. H. Sumner.....	San Francisco.
June, 1865.....	E. Rousseau.....	San Francisco.
June, 1865.....	S. D. Simonds.....	San Francisco.
June, 1865.....	B. F. Morrison.....	San Francisco.

When Issued.	Name.	Residence.
June, 1865.....	A. W. Peck.....	Vallejo.
November, 1865.	Philip Prior.....	San Francisco.
November, 1865.	George E. Houghton.....	Stockton.
November, 1865.	S. D. Simonds.....	San Francisco.
November, 1865.	E. J. Schellhous.....	Placer County.
November, 1865.	M. A. Ralph.....	Sonora.
November, 1865.	John C. Shipley.....	Sonoma County.
November, 1865.	R. B. Warren.....	Jackson.
November, 1865.	S. H. Jackman.....	Sacramento County.
November, 1865.	J. A. Louttit.....	State Normal School.
November, 1865.	J. F. Kennedy.....	State Normal School.
November, 1865.	John A. Moore.....	State Normal School.
November, 1865.	A. S. Hopkins..	Solano County.
November, 1865.	R. P. Davidson.....	Yolo County.
November, 1865.	Miss Mary J. Ledlie.....	Sacramento.
November, 1865.	Miss Louisa O. Fernald.....	Santa Cruz.
November, 1865.	Miss Sarah H. Clark.....	Toronto, (Training School,) Canada.
November, 1865.	Miss Ellen A. Evans.....	Shasta.
November, 1865.	Sparrow Smith.....	Sacramento.
November, 1865.	Isaac Upham.....	Oroville.

The following is a complete set of the questions used in the examination of September, eighteen hundred and sixty-five; and they are given to show the thoroughness of the test to which the teachers of this State have been subjected.

It is found by inspection of the lists that many teachers who in the first examination were found in the list of first grade certificates, in the second or third examinations afterwards advanced into the grade of diplomas; and many others, from second and third grades to the first. Each year the standard has been raised, but the teachers have more than kept pace with the standard. I doubt if any State of equal size can show so good a professional teachers' record for the past two years as California.

#### STATE BOARD OF EXAMINATION.

*San Francisco, September 19, 1865.*

#### DIRECTIONS TO BE OBSERVED DURING EXAMINATION.

1. Keep this paper for your own use during the examination.
2. On the blank side of each of the cards given to you write your name in full, with your post office address; keep one card to enable you to remember your number in the examination, and return the other to the examiners.
3. Fold your papers as directed, and write across the back your number—not your name—and the name of the study for which the answers are made.

4. Fold the printed questions with your answers. No credits will be allowed on any paper with which the printed questions are not returned.
5. Write on one side only of each sheet, and number the pages.
6. Divide your answers into paragraphs, and leave a margin on each side of the page. Write in a legible hand.
7. Extra credits, not exceeding five or ten per cent, will be allowed on all papers for neatness of folding, legibility of writing, correctness of spelling, punctuation, and capital letters.
8. No communication, either by signs or by whispering, will be allowed, and the papers of any person so offending will be thrown out of the examination.
9. No reference to books allowed during time of examination.
10. No extra time will be allowed to persons who are late, unless they are detained by sickness.
11. No persons absent during the examination in any one study will be allowed to pass examination in that study, unless they were necessarily absent on account of sickness.
12. If you find questions which you cannot answer, pass them and answer such as you can.
13. Number all answers to correspond with the questions and subdivisions of questions.
14. Make your answers clear, definite, exact, and complete.
15. If you do not understand the meaning of a question, signify it by raising your hand.
16. Read each set of questions through before you begin your work.
17. After you have completed a paper, examine it carefully with reference to spelling, capitals, and punctuation.

#### GENERAL QUESTIONS.

1. Name; number in examination; age; nativity; place of residence.
2. In what schools were you educated, and how long did you attend them?
3. At what places, in what kind of schools, and how long have you been engaged in teaching?
4. What certificates do you hold?
5. What references in respect to success in teaching?
6. What letters or references with respect to moral character?
7. Can you teach drawing?
8. Can you teach vocal music?
9. Do you play on any musical instrument?
10. Have you had any experience in teaching gymnastics or calisthenics?

#### THEORY AND PRACTICE OF TEACHING.

*Twenty questions. Value, five credits each. Extra credits, not exceeding ten per cent, for fulness of answers, correct spelling, punctuation, and neatness of work. Time, two and a half hours.*

1. What items should be daily recorded in school, and what monthly summary should be made?
2. What is your plan for calling out classes, and for sending them to their seats? For calling pupils into the schoolroom, and for dismissing them at the close of school?

3. What are the principal objects of a recitation? Mention two common faults of conducting recitations.
4. What position do you prefer to have your pupils take when reciting?
5. What are the advantages and disadvantages of keeping class records in recitations?
6. What is your opinion of the policy of detaining children after school for the purpose of preparing neglected lessons?
7. What is your method of regulating whispering in school?
8. What are the advantages and disadvantages of the self-reporting system in regard to deportment?
9. What do you consider just punishments for truancy? For tardiness? For idleness?
10. For what particular offences would you inflict corporal punishment, and how would you inflict it?
11. Are you in favor of giving prizes in school? Why, or why not?
12. Mention some of the particulars in regard to manners, in which you would instruct your pupils.
13. What is the object of the study of arithmetic?
14. Mention five general exercises adapted to an ungraded school.
15. State briefly your general method of conducting exercises in penmanship.
16. What are the uses and abuses of school exhibitions?
17. Who was Horace Mann, and what did he do in the cause of education?
18. What works on teaching have you ever read, and which do you consider the best?
19. Who was Pestalozzi, and what reforms in teaching did he inaugurate?
20. What are the particular advantages of oral spelling, and of written spelling?

## GRAMMAR.

*Twenty questions. Value, five credits each. Number the answers to correspond with the questions, and divide your writing into paragraphs. Extra credits, not exceeding five per cent, allowed for good spelling, penmanship, punctuation, and folding of papers. Time, two hours.*

1. What is the difference between analysis and parsing? Between grammar and rhetoric?
2. Decline *thou, who, which, that, I, it, boys, men, George*.
3. Write the present tense, past tense, and past participle of the following verbs, giving both forms when two are used: *Ride, catch, load, eat, ring, burst, dive, get, thrust, greet, aim, sit, work, dig, dream*. (Write the principal parts in three perpendicular columns.)
4. Compare *chief, much, old, former, far, forth, ill, next, less, hinder, up, lovely*.
5. When is the relative pronoun "that" used in preference to *who, whom, or which*? Give examples.
6. Give three important rules in orthography, and words to illustrate each.
7. Write the possessive plural of *woman, loaf, it, thou, and ox*; the plural of *handful, money, the letter t, focus, monsieur, chrysalis, genus, miasma*.
8. Write three rules about the formation of the possessive case, and illustrate by examples.

9. How is the passive voice formed, and what is the construction of the progressive form of the verb?
10. Analyze the following sentence, parse each word, and give the rule: *Teach me what is true*.
11. How many elementary sounds has the English language, and how are they classed? How many letters, and how classed in respect to sounds? How many words in the English language? How many in common use? How divided in respect to parts of speech?
12. Give two rules for the use of the comma in punctuation, and examples to illustrate; two rules for the use of the semicolon, with examples to illustrate.
13. Write a synopsis of the verb *lie*, (to recline,) in the active voice, interrogative form, third person, singular number, indicative and potential moods.
14. Define collective, participial, and verbal nouns, and write a sentence containing an example of each.
15. Write five prefixes of Saxon origin, five of Latin, and five of Greek, giving the meaning of each.
16. State which of the following expressions are allowable according to good usage, which are not, and correct the faulty ones:  
 I had as lief go as not;  
 Serious consequences had liked to have resulted;  
 I had rather not do it;  
 You had better write;  
 We differ with him about that sentence;  
 It ought to be put a stop to;  
 The ship was soon lost sight of.
17. Give five directions to a pupil to be observed in writing a composition.
18. Correct the following sentences: The cavalry were more feared than the infantry; neither poverty nor riches were injurious; this people have spoken; the Board of Education has granted a certificate; the Board of Trustees has agreed to settle the difficulty among themselves. In what cases does a collective noun take the singular form of the verb, and when the plural?
19. Parse the italicized word in the following sentences: All *save* him *alone*; whence all *but* him had fled; it cost *almost* a dollar; *than* whom none higher sat; *so* it be well done, I care not.
20. Write an application to the Public School Trustees of Sacramento School District, asking for an appointment as teacher of the school, stating your terms, and requesting an answer.

Sign your number instead of your name.

## GEOGRAPHY.

*Time, two hours. Twenty questions. Value, five credits each. Extra credits, not exceeding ten per cent, for good spelling, punctuation, capitals, and neatness.*

1. Bound Europe: Give its area, political divisions, five most important cities, and five great powers.
2. What are the area and population of the United States? Ten largest cities? How do New York and California compare in size?

3. What are the latitude and longitude of San Francisco and of Washington?

4. Describe the River Danube; the Amoor; the Niger; Orinoco.

5. Why is the climate of the California coast milder than that of the corresponding latitude on the Atlantic coast?

6. Bound the Island of Great Britain; name its two largest rivers, three principal capes, three largest cities, and locate Glasgow, Leeds, and Portsmouth.

7. What imaginary lines would be removed from the surface of the globe if its axis were perpendicular to the plane of its orbit, and what would be the effect upon the seasons and on the length of days and nights?

8. If the rotary motion of the earth were to cease, what change would be made in the distribution of water on the surface of the globe? What change if the equatorial diameter were made equal to the polar?

9. Mention some of the causes which produce oceanic currents, and name any of the effects of such currents.

10. Bound China: Give its population and its two principal rivers, seaports, and cities.

11. What are the principal points of difference and of resemblance between the English Parliament and the Congress of the United States?

12. Bound France: Give its population, and the situation of Bordeaux, Havre, Marseilles, and Cherbourg.

13. What are the principal points of difference and resemblance, in respect to physical features, between Africa and South America?

14. Locate the following places: Vicksburg, Gettysburg, Atlanta, Nassau, Chicago, Manilla, and Bombay.

15. What are glaciers, and in what countries are they found?

16. Where are the Bermuda Islands? Where is Sumatra? Nova Zembla? St. Helena? In which hemisphere is Iceland—Eastern or Western? In which are New Zealand and Australia?

17. How does Australia compare in size with Europe, and what are some of the animals peculiar to it?

18. Bound Italy: Name its three principal cities and two largest rivers.

19. What large cities in the torrid zone, and what islands are crossed by the equator?

20. What are the four great natural divisions of the United States?

#### HISTORY OF THE UNITED STATES.

*Twenty questions. Value, five credits each. Extra credits for fulness and clearness of answers. Time, two hours.*

1. What was the Government of the American Colonies prior to seventeen hundred and seventy-five, how were their rights guaranteed, to what extent did they have the power of self-government, and to what extent were they controlled by the King of England?

2. What discoveries and settlements did the French make in North America, and what wars arose in consequence?

3. What were the "Articles of Confederation," when were they adopted, and why? What were their radical defects?

4. When and where did the first Colonial Congress assemble, why was it called, and what was done?

5. What action did the first Continental Congress take? What distinguished men were members of it?

6. What were the more immediate causes of the American Revolution? The more remote?

7. In what way did France aid the Colonies in establishing their independence, and how was that aid secured?

8. What were the names of the first two great political parties formed in the United States after the adoption of the Constitution, and what were the distinctive principles of each?

9. What was the occasion of the "Nullification Act" in South Carolina, in Jackson's administration, and what concessions were made by the Government to keep that State in the Union?

10. What was the alleged reason for the secession of the Southern States? The true reason?

11. What States seceded, and how and when did they organize a Government?

12. When and how was the Great Rebellion inaugurated? When and how was it ended?

13. Name the five greatest battles of the war, and the year in which each was fought.

14. When was the "Emancipation Proclamation" issued, on what grounds, what did it provide, and what was its effect on the Nation?

15. Name the principal victories won by General Grant; by Sherman; by Sheridan.

16. What was the cost of the Rebellion to the Government of the United States, and how did Congress provide means to raise the money?

17. How many men were put into the field, how were they raised, and what is the estimated loss, including the killed in battle, those who died in hospitals, and those starved to death in rebel prisons?

18. Give a brief account of the battle of Gettysburg.

19. Give the names of five distinguished Union officers killed in battle.

20. Draw a contrast between the character of Abraham Lincoln and that of Jefferson Davis.

#### CONSTITUTION AND GOVERNMENT OF THE UNITED STATES.

*Ten questions. Value, five credits each. Time, one and a half hours.*

1. How many great departments of government are there? Name and describe them.

2. By whom are the members of the House of Representatives chosen, and for what time? How are United States Senators elected, and for what time?

3. How are the President and Vice President chosen? To what number of electors is each State entitled? To how many is California?

4. In case of the removal of the President and Vice President, on whom would the duties of President devolve? In what case is there no provision made for President?

5. Name the Executive Departments of the Government. What officers constitute the President's Cabinet?

6. How is the judicial power of the United States vested? How long do the Judges hold their office?

7. What is the highest crime against a Government? Why? Define it.

8. What form of Government does the United States guarantee to every State?

9. What is the supreme law of the land? What oath are members of Congress, and of the State Legislatures, and all executive and judicial officers, both of the United States and of the several States, obliged to take? In case of a conflict between a law of the United States and a law of a State, how does the Constitution state that the controversy is to be decided?

10. How long did the Articles of Confederation, which were ratified by all the States in seventeen hundred and eighty-one, declare that the Union should last? For what objects did "the People of the United States ordain and establish the Constitution?"

#### SCHOOL LAW OF CALIFORNIA.

*Twenty questions. Value, two and a half credits each.*

1. Who constitute the State Board of Education?
2. What are the sources of revenue from which the State School Fund is derived?
3. In what specific ways may money be raised for the support of schools?
4. What are the conditions on which a district is entitled to its pro rata of State and County Funds?
5. How are State and County Funds apportioned?
6. What are the maximum and minimum rates of county school tax allowed by law?
7. How is the State Board of Examination constituted? What certificates can the Board grant?
8. On what conditions can a State educational diploma be granted?
9. Name the text books adopted in the State series?
10. Who constitute the Board of State Normal School Trustees?
11. What is meant by the "half mill State tax?"
12. How are County Boards of Examination composed, and what certificates have they power to grant?
13. How and for what time are County Superintendents elected?
14. What are some of the specific duties of such officers?
15. What studies are required by law to be taught in all public schools?
16. How and for what time are Public School Trustees elected?
17. What provision is made by law for circulating an educational journal?
18. Mention five of the duties of School Trustees.
19. How and for what time is the Superintendent of Public Instruction elected?
20. What are the more important duties of that officer?

#### ENGLISH COMPOSITION.

*Value, fifty credits. Style, spelling, punctuation, and capital letters, all taken into consideration in crediting. Write at least three pages of manuscript, on any one of the following topics. Time, two hours.*

*First Subject: "GOVERNMENT."*

*Suggestions:—*Meaning of the word. Origin and necessity of government. Show the effects of anarchy. Earliest form of government; describe it. Prevailing forms of government. Distinguishing features

of monarchial, democratic, and republican forms of government. Advantages of a monarchy; of a republic. Government of the United States: its strength and its weakness. Conclusion.

*Second Subject: "FRIENDSHIP."*

*Suggestions:—*What is it? Origin and necessity. Illustrations of it from ancient history; modern. Benefits of true, and evils of false friendship. How friendships should be formed. Conclusion.

*Third Subject: "SOCIETY."*

*Suggestions:—*What is it? When did it begin to exist? Under what forms at first? Benefits. Effects on arts and sciences. Difference between a state of barbarism and of civilization. Evils of society. Vices. Illustrations from history.

*Fourth Subject: "WAR."*

*Suggestions:—*When did war begin, and how originate? What kinds of wars? Is war justifiable? Evils of war; benefits of war. Illustrate both from history. Difference between barbarous and civilized warfare. Effect of inventions upon war. Will wars ever cease?

#### PHYSIOLOGY AND HYGIENE.

*Twenty questions. Value, two and one half credits each. Letter the answers of subdivisions to correspond with the subdivisions of questions. Extra credits, not exceeding ten per cent, for neatness, fulness, and good spelling. Time, one and a half hours.*

1. State the locality in the body of the patella, hyoid bone, ulna, scapula, and tibia.
2. Describe the hip joint.
3. Where is the liver, and what are its functions?
4. Name the digestive fluids.
5. What is the difference between arteries, veins, and capillaries?
6. What is the blood heat of man, and how is it believed to be maintained?
7. Mention the locality and offices of the larynx, pharynx, and pancreas?
8. What is the normal rate of the pulse in an adult, and how does it vary in old age, infancy, fever, and debility?
9. What is the office of the lymphatics? Of the lacteals? Of the perspiratory glands?
10. What excretory organs chiefly remove the waste carbon from the body? Which remove its waste nitrogen and salts?
11. What is the difference between the mucous membrane and the skin?
12. Name five specific benefits derived from free gymnastic exercises in school.
13. {
  - (a) Of what are the bones composed?
  - (b) What envelops them?
  - (c) What holds them together?
  - (d) How many in the spine?
  - (e) How many ribs?

14. How many teeth in the human body? How many bones in the arm? Skull? Phalanges? Tongue?

15. { (a) Of what are muscles composed?  
(b) By what attached?  
(c) To what attached?  
(d) By what inclosed?  
(e) Uses?

16. { (a) How many layers has the skin?  
(b) Which contains the nerves?  
(c) Functions of the skin?

17. { (a) What orifice of the stomach does the food enter?  
(b) Through what does it pass out?  
(c) When does the bile mix with the food?  
(d) Use of the bile?  
(e) When and through what does the chyle enter the blood?

18. { (a) What are the parts of the eye?  
(b) What is the office of the iris?  
(c) What is the cornea?  
(d) What is the shape of the chrySTALLINE lens, and its uses?  
(e) Where is the retina, and what is its office?

19. { (a) What membranes surround the brain?  
(b) Divisions of the brain?

20. { (a) How many kinds of nerves?  
(b) What are the ganglia, and their office?

#### NATURAL PHILOSOPHY.

Ten questions. Value, five credits each. Extra credits for fulness of answer and neatness of work. Time, one and a half hours.

1. Give the law of the descent of falling bodies. How long would a stone be in falling five hundred feet, and what velocity would it acquire?
2. Give the method of proving the pressure of the air by Torricelli. Explain the principle of the syphon. Is there any limit to the perpendicular height of the shorter arm?
3. State the great law which is at the bottom of all the mechanical phenomena of liquids, and illustrate. Describe the hydraulic press, and explain the principle on which it operates.
4. What is the method of finding the specific gravity of gold? What is the quantity of gold and copper in a chain composed of an alloy of these metals, which weighs two ounces in the air and one ounce seventeen pennyweights in water; the specific gravity of gold being nineteen and that of copper nine?
5. Explain the principle of the screw. On what does the ratio of the power to the weight depend?
6. At what rate does sound travel in air? Is there any better medium than air for transmitting sound? What is the distance of lightning when the flash is seen nine seconds before the thunder is heard?
7. Describe the two theories of the nature of light. Why does the simple microscope magnify?

8. What is the magnetic meridian? Does it coincide with the geographical meridian? What is the difference between them called? At San Francisco does the needle point to the true north, or to the east or west of it?

9. What is electricity? What are electrics? What bodies are the best conductors? Who proved that lightning and the electricity produced by a frictional machine are the same?

10. On what principle or fact does the electric telegraph depend—without which messages could not be sent?

#### PENMANSHIP.

*Credited as a whole, fifty credits.*

1. Write the alphabet of capital letters, and of small letters; grouping letters of similar form.
2. Make the elements used in forming capital letters, and the small letters.
3. Give four important rules for position, height, slope, and distance of letters.
4. How many positions at the desk in writing, and which do you prefer?
5. What drill exercises would you give to secure free movements of the fingers? Hand and wrist? Arm and forearm?
6. Whose system of penmanship do you prefer, and why?
7. How would you classify an ungraded school of fifty pupils for writing lessons?
8. How often would you have writing lessons, and how long each time?
9. At what age, and how would you have children begin to write?
10. What use do you make of a blackboard in teaching writing?

#### SPELLING AND DEFINING.

Time, one hour. Spelling, fifty words; value, one credit each. Defining, twenty-five words; value, two credits each. Directions: Correct all errors in orthography, and define the words in *ITALICS*.

- |                           |                          |                          |
|---------------------------|--------------------------|--------------------------|
| 1. Discourgment.          | 18. Consilliation.       | 35. Alleigeance.         |
| 2. <i>Sitadell.</i>       | 19. <i>Rebelious.</i>    | 36. Aprehend.            |
| 3. Campaign.              | 20. Parrallell.          | 37. <i>Judishousley.</i> |
| 4. <i>Infalable.</i>      | 21. <i>Tenasety.</i>     | 38. <i>Terific.</i>      |
| 5. <i>Polatishan.</i>     | 22. Judgement.           | 39. Compareative.        |
| 6. Recomend.              | 23. Cirtificates.        | 40. <i>Farrinacious.</i> |
| 7. <i>Dissaplin.</i>      | 24. <i>Kalibeate.</i>    | 41. <i>Exhonnorrate.</i> |
| 8. <i>Effervessense.</i>  | 25. <i>Disollution.</i>  | 42. Sanguinaryly.        |
| 9. Manigeable.            | 26. <i>Belligerant.</i>  | 43. <i>Delligation.</i>  |
| 10. Dispondensy.          | 27. <i>Proclamation.</i> | 44. Ambullanse.          |
| 11. <i>Fosforessense.</i> | 28. Maintainence.        | 45. Clarrify.            |
| 12. Champagne.            | 29. <i>Sinonim.</i>      | 46. Posescion.           |
| 13. <i>Cooperitive.</i>   | 30. <i>Explositely.</i>  | 47. Corruption.          |
| 14. Modified.             | 31. <i>Exsesive.</i>     | 48. Irisplicable.        |
| 15. Embarasment.          | 32. <i>Necesaty.</i>     | 49. Schollars.           |
| 16. <i>Reconneance.</i>   | 33. Responceable.        | 50. <i>Susseptable.</i>  |
| 17. Purified.             | 34. <i>Curansy.</i>      |                          |

## ARITHMETIC

*Twenty questions. Value, five credits each. Write out all important operations on your paper. Extra credits for clearness and neatness of operations. Time, two and a half hours.*

1. Multiply 67,899 by 9,999. From thirty millions thirty thousand and thirty, take three millions three thousand and three.
2. When it is noon at London what will be the time at the mouth of the Columbia River, which is 120 degrees west of London?
3. Multiply  $52\frac{1}{2}$  by  $7\frac{1}{2}$ : subtract  $14\frac{3}{4}$  from the product, and divide the remainder by  $\frac{1}{4}$ .
4. What number is that which being increased by  $\frac{2}{3}$  of  $\frac{3}{4}$  of  $10\frac{1}{2}$ , and the sum diminished by  $7\frac{1}{2}$ , will give a remainder of  $9\frac{3}{4}$ ?
5. Multiply seventy-five ten thousandths by twenty-five millionths. Divide seventy-seven millionths by seventy-seven ten thousandths. Divide one mill by one dollar: Operations in decimals.
6. Name all the coins issued from the United States Mint, and give the sum of the values of one of each kind.
7. A boy bought apples at the rate of 3 for 2 cents, and sold them at the rate of 2 for 3 cents: What per cent did he gain?
8. Paid \$8 a pair for a case of boots: How shall I mark the same so that I may fall twelve per cent from the market price, and yet make ten per cent on the cost?
9. A merchant sold \$1,500 worth of goods, one half to be paid in six months, the other half in nine months: What sum must be received for them in cash, after deducting interest at the rate of two per cent a month?
10. Sold 5,000 pounds of sugar @ 9 cents a pound, and lost ten per cent: What per cent should I gain by selling at 12 cents a pound?
11. A certain room is 25 feet long, 20 feet wide, and 12 feet high: How far from one lower corner to the opposite upper corner?
12. A ladder 40 feet long will reach a window 32 feet high on one side of a street, and on the other side another window 24 feet high: What is the breadth of the street?
13. A note for \$280 bears date January 1st, 1863, and is given for two years, seven months, six days, at ten per cent per annum. Upon this note there is a payment indorsed January 1st, 1864, of \$75: What is due upon the note at its maturity?
14. A room is 20 feet long, 18 feet wide, and 12 feet high: How many yards of carpeting,  $\frac{3}{4}$  of a yard wide, will it take to carpet the floor; and how many yards of paper,  $\frac{1}{4}$  of a yard wide, will be required to paper the four walls, deducting 30 square feet for windows?
15. What is the square of  $\frac{2}{3}$ ? Of .25? Square of  $\frac{1.6}{6.25}$ ? Of 1?
16. What is the bank discount, the true discount, and the interest on \$2,500 for ninety days, at two per cent a month?
17. Four men hired a pasture for \$175. A. puts in 16 cows for 8 months; B. puts in 12 cows for 9 months; C. puts in 10 cows for 10 months; D. puts in 8 cows for 12 months: How much ought each to pay?
18. There is a fish whose head is 16 inches long, his tail is as long as his head and half the length of his body, and his body is as long as his head and tail: What is the length of the fish?

## ALGEBRA.

*Twenty questions. Value, two and a half credits each. Leave your operations on the paper. Extra credits for legibility and neatness. Time, two hours.*

1. What is a literal factor? A co-efficient? A surd?
2. (a). Write an example of a polynomial whose terms are homogeneous.  
(b) Write three quantities which are similar.  
(c) Write a polynomial with at least two literal factors in each term, and let each term be of the fifth degree.  
(d) Write algebraically:  $a$  less than  $b$ .  
(e) What is the symbol of indetermination?
3.  $a(x + y) + b(x + y) + c(x + y) =$  What?  
 $(a^2 - 3b)(m^2 - 1) + (b^2 - 3a)(m^2 - 1) + (3a + 3b)(m^2 - 1) =$  What?  $(\frac{1}{2}x + \frac{1}{2}y) - (\frac{1}{2}x - \frac{1}{2}y) =$  What?  
 $4c^3 - 2c^2 + c + 1 - (3c^3 - c^2 - c - 7) - (c^3 - 4c^2 + 2c + 8) =$  What?  
What determines the degree of a term?
4. Resolve into factors:  $1 - \frac{1}{25}$ ;  $4 - \frac{1}{49}$ ;  $4qa^4b^4 - 168a^3b^3 + 144a^2b^2$ ;  
 $a^2y^4 - a^2z^4$ ;  
 $\frac{a^2}{4} - \frac{ab}{2} + \frac{b^2}{4}$
5. Into what two classes are quadratic equations divided? Define each and give an example.
6. (a)  $\frac{a+b}{2} + \frac{a-b}{2} =$  What?  
(b)  $\frac{a+b}{2} - \frac{a-b}{2} =$  What?  
(c)  $\left\{ \frac{a}{a+b} + \frac{b}{a-b} \right\} \div \left\{ \frac{a}{a-b} - \frac{b}{a+b} \right\}$   
(d) Divide  $a$  by its reciprocal.  
(e)  $(a^m - b^m) \div (a - b) =$  What?
7.  $\frac{a(d^2 + x^2)}{dx} = ac + \frac{ax}{d}$ : Find the value of  $x$ .
8. Show that every quantity having a cipher for its exponent is equal to unity.



9. Divide  $a$  into three such parts that the second shall be  $m$  times, and the third  $n$  times as great as the first.

$$10. x + a = y + z,$$

$$y + a = 2(x + z),$$

$$z + a = 3(x + y.) \quad \text{What is the value of } x, y, \text{ and } z?$$

$$11. 5x + 4y = 58,$$

$3x + 7y = 67.$  Solve first by substitution, then by comparison, and write out the work.

12. What is the square of  $-3m^2$ , of  $3m^2$ , of  $ab^3c^2$ , of  $b^4$ , of  $a^m b^n$ ?

13. Involve to the 5th power  $-a^2 b^m$ ;  $c^n d^n$ ,  $(a-b)$ ,  $\sqrt{m}$ ,  $\sqrt[3]{m}$ .

14. Reduce  $\sqrt{a}$  and  $\sqrt[3]{a}$  to surds having the same radical sign.

$$15. \sqrt[3]{\frac{1}{8}} + 2\sqrt[3]{\frac{1}{10}} = \text{What?}$$

$$\sqrt[3]{\frac{8}{27}} - 2\sqrt[3]{\frac{1}{10}} = \text{What?}$$

$$7\sqrt[3]{18} + 5\sqrt[3]{4} = \text{What?}$$

$$\sqrt[3]{a^2 b^2} \div \sqrt[3]{ab} = \text{What?}$$

$$\sqrt[3]{a} \div \sqrt[3]{a} = \text{What?}$$

16. What is the cube root of  $\frac{1}{8}\sqrt{2}$ ? of  $\frac{a}{3}\sqrt{\frac{a}{3}}$ ?

What is the fourth root of  $\frac{16}{81}$ ?  $\sqrt[4]{a^2}$ ? of  $a^n$ ?

Reduce  $\frac{1}{\sqrt{5} - \sqrt{2}}$  to an equivalent fraction having a rational denominator.

17. What is the formula for finding the sum of a geometrical progression when it is an increasing series?

18. Find the fourth power of  $2x^3 + 4y^3$  by the binomial theorem.

19. Extract the square root of  $4a^2 - 4ab + 4ac + b^2 - 2bc + c^2$ .

Extract the square root of  $\frac{a^2}{4} - a + 1$ .

Extract the square root of  $a^2 - 2a^{\frac{1}{2}}b^{\frac{1}{2}} + b^2$ .

Resolve into factors  $a^3 - c^3$ .

Extract the cube root of  $m^3 - m^2 + \frac{1}{3}m - \frac{1}{27}$ .

20.  $\sqrt{x+12} + \sqrt[4]{x+12} = 6$ : find the value of  $x$ .

$2x^{\frac{2}{3}} + 3x^{\frac{1}{3}} = 2$ : find the value of  $x$ .

## STATE SCHOOL REGISTERS.

The first edition of school registers having been exhausted, an improved edition of one thousand copies was ordered by the department, and very neatly executed by the State Printer. The new regis-

ters are printed on better paper than the old ones, and are materially improved in rulings and headings. They have been received with very general favor, and are used in the schools of San Francisco and other cities, as well as in the country districts. They have also been adopted without change in the State of Nevada. In preparing a register for use in such a diversity of schools, my object was to secure, in the simplest possible form, a record of all needed statistics, without burdening teachers with superfluous entries and complicated details.

Each register contains one hundred pages of firm, well ruled paper, in small quarto form, bound in neat covers. Two pages make a record for one month, ruled in five weekly spaces, which are sub-ruled for each day in the week. The daily spaces or squares are large enough for entering both the record for scholarship and attendance. On the right hand side of each double page is a monthly summary column for carrying out the absence, attendance, and tardiness of each pupil. At the end of the register several ruled pages are set apart for entering the monthly averages, with the following headings:

### ABSTRACT OF MONTHLY SUMMARIES,

For the School Term or Year commencing — 186 , and ending — 186 .

Name or No. of Month.	Whole Number of Days' Absence	Whole Number of Days' Tardiness	Whole Number of Boys Enrolled on Register	Whole Number of Girls Enrolled on Register	Total Number Enrolled	Average Number Belonging	Average Daily Attendance	Percentage of Attendance on Average Number Belonging	Number of Pupils Entered	Number of Pupils Left
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When these entries are properly made, the teacher, at the end of a term or year, in making out a report, has only to add the monthly averages and strike the average for the term. Now that these registers are generally well kept, the large form of a "Teacher's Annual Report" to the County Superintendent and the Trustees, on which were required to be entered the name of each pupil, age, and time of attendance, can be dispensed with in the future, and a small sheet substituted, which shall require only the monthly abstracts taken from the register, and the general statistics also entered on the register. No duplicate report to the Trustees will be needed, as the register itself contains the report. Ten pages are set apart for term or annual summaries, on one of which, at the end of each term, the following entries are required to be made:

Four pages are ruled for a "*Visitors' Record*," and four for a "*School District Record*," to be kept by the teacher.

The uniform series of text books adopted by the State Board of Education in eighteen hundred and sixty-three were gradually introduced

Willson's Sixth,  
Willson's Primary Speller,  
Willson's Larger Speller,  
Willson's School and Family  
Charts.

*Physiology and Hygiene.*

Hooker's Elementary. | Hooker's Larger.  
 (Physiology is required by law to be studied in all schools above the grade of primary.)

*History of the United States.*

Quackenbos' Primary, | Quackenbos' Larger.

*Books recommended for use in Public Schools.*

Quackenbos' Natural Philosophy,	Spencerian, or Payson & Dunton's
Quackenbos' English Composition,	Systems of Penmanship, with
Hooker's Chemistry,	Charts.

*Algebra.*

Robinson's Series.

*Moral Training.*

Cowdery's Moral Lessons.

*Books recommended for the use of Teachers.*

Calkins' Object Lessons,	Emerson's School and Schoolmaster,
Sheldon's Elementary Instruction,	Northend's Teacher,
Sheldon's Lessons on Object,	Russell's Vocal Culture,
Wells' Graded Schools,	Guyot's Earth and Man,
Willson's Manual of Instruction in Object Lessons,	Agassiz's Method of Study in Natural History,
Russell's Normal Training,	Russell's Exercises on Words,
Page's Theory and Practice of Teaching,	Barnard's Journal of Education, Life of Horace Mann.

## REMARKS ON TEXT BOOKS.

Willson's Readers and Spellers have stood the practical test of the schoolroom, and are universally popular with teachers, parents, and children. Their general adoption in the series of other States proves that they are superseding the old readers, in spite of the fossil teachers of the old red sandstone formation, petrified into the one idea that school readers must contain only classic literature and orations and speeches of great men, which all children and many teachers fail to understand. Thousands of children now in the public schools will grow up with a taste for natural science, and all their lives long will bless the author of Willson's Illustrated Readers—the first man who placed in the hands of little children a series of elementary text books on common things, designed to train the perceptive faculties, cultivate the taste, and, at the same time, to convey useful information. Willson's Smaller Speller is a most wonderful exception to all books in that line, inasmuch

as it contains quite a collection of words which children can understand. The conservatives—some of them—find fault with it, for the reason that children are able to master it. The larger speller, when all teachers shall learn how to use it according to directions, will effect a great improvement in the orthography of our public school children. Willson's Charts are found in half the schools of the State, and in many cases constitute the entire equipment of apparatus.

## ARITHMETIC.

Eaton's Arithmetic has been steadily growing in favor with teachers since its first introduction, and now meets with the unqualified approval of the best teachers in the State, save a few who are indissolubly wedded to their old idols. The primary arithmetic is well arranged, and illustrated in a very pleasing manner. The Common School is plain, simple, concise, business-like in its forms, and admirably adapted to the wants of ungraded schools. One of the great recommendations of this series is its economy; for three small books cover the entire ground which in some series is expanded into six volumes for the benefit of publishers and for the expense of parents.

## GRAMMAR.

Greene's little introductory work on grammar is a most excellent book for pupils, and finds favor in the eyes of most teachers who desire to teach children how to use the English language in conversation and in writing, rather than to make them expert in the rigmarole of abstract rules and formulas, and the mysteries of old style "parsing."

Quackenbos' Grammar, designed to succeed Greene's smaller book, was a new work at the time of its adoption, and by many was not at first received with any very special marks of favor. But a two years' trial in school has proved it to be an eminently practical and useful work. Since its adoption in this State it has been adopted for use in the schools of Chicago, a city which ought to be a good judge of a text book on English grammar, having been for many years under the superintendence of Wm. H. Wells himself, the author of one of the best grammars ever published, and the author of an address on the "Use of the English Language," delivered before the National Teachers' Association, which ought to be in the hands of every teacher in the United States.

## GEOGRAPHY.

Allen's Geography is popular among the children, on account of its natural methods, its beautiful pictures, and its picture maps—the very reason why some teachers, whose taste has been perverted by mammoth primary cyclopedias, have a prejudice against it. In many schools Cornell's Primary is used in classes which need Allen's, and Warren's Intermediate by pupils who ought to have Cornell's Primary. There is a fancy for lumbering children with books bigger than they can carry. Any child who would not *forget* in a year the mass of compiled nonsense in many geographies would be really unfortunate. Shaw and Allen's new geography bears the same relation to the old style compilations of trout brooks and villages that Willson's Readers and Spellers sustain to old fashioned compilations of Fourth of July orations and skeleton dic-

tionaries of unintelligible words. We need in our schools a good geography of this coast, and an outline map of California and Nevada.

#### HISTORY OF THE UNITED STATES.

By the school law of March twenty-second, eighteen hundred and sixty-four, history of the United States is required to be studied in all schools above the grade of primary. The number of pupils reported last year as having studied history of the United States was three thousand five hundred and fifty-two, an increase of one thousand one hundred and sixty-eight over the number in eighteen hundred and sixty-four.

There still remain a few teachers who think the study of history a waste of time, probably on the ground that nothing of any practical value in life should be taught in a common school. Expertness in adding dollars and cents is of more consequence, in their estimation, than a patriotic pride in our glorious national history. Quackenbos' History is well adapted for school use. A new edition, containing a brief history of the rise, progress, and downfall of the great rebellion is much needed, and will doubtless soon be published. It will make a valuable lesson on patriotism.

#### PHYSIOLOGY.

This is another of the "new fangled studies" required by law to be pursued in school, at the expense of the king of all other studies—arithmetic. The number of pupils reported last year as having studied physiology and hygiene was two thousand six hundred and twenty-seven, an increase over eighteen hundred and sixty-four of one thousand one hundred and fifty-six. It is certainly to be hoped that the smattering knowledge of their own bodies which they have acquired, will not injure the medical profession, nor retard the development of the "reasoning faculties" in consequence of less drill on mathematics. The Board of State Normal School Trustees have recognized the great importance of this study by purchasing, at an expense of eight hundred dollars, one of the finest manikins in the United States, and by making physiology a prominent study in the State Normal School.

Hooker's Physiology is the text book adopted. Teachers will bear in mind, that whatever may be their own private opinion about the natural laws which govern the human body, the State law, requiring a knowledge of these laws to be taught, is imperative.

#### PENMANSHIP.

Both the Spencerian and Payson and Dunton's systems of writing are recommended for use. Too little attention is given to penmanship in most of the ungraded schools of the State. In too many schools the engraved copy books are placed in the hands of pupils, who are left to write when they please, and how they please, without any instruction or directions whatever. Of course the chirography of such pupils is a disgrace to the schools. Half an hour a day ought to be devoted exclusively to writing, with drill exercises in the elements, and blackboard illustrations by the teacher. In my numerous visits to schools I do not remember ever to have seen a teacher giving any general directions to a class, or "setting a copy" on the blackboard.

In San Francisco the handwriting of the pupils is creditable, for three special writing masters are employed in the schools.

The same teachers who can find no time to devote to systematic penmanship, use up two hours a day in hammering away on arithmetic, to "discipline the mind." A little exercise of the "reasoning faculties," combined with a little hard sense, must convince most practical teachers who think about it, that a good style of handwriting is quite as necessary and quite as useful to both men and women, as a knowledge of circulating decimals, or geometrical progression, or the reason of inverting the divisor in division of fractions. While decidedly in favor of developing the purely reasoning faculties of children, I think it desirable, also, to give them some practical training, and a little useful information. The great mission of our public schools is to train the children of the common people for the occupations of common life. The geniuses, the mathematicians, the poets, orators, and thinkers, will take care of themselves.

#### DRAWING.

Little or no attention is paid to drawing in the public schools, except in the City of San Francisco, where a regular drawing teacher is employed. In the primary schools of that city a good degree of attention is paid to blackboard drawing. The blackboards of some of the best primary schools of this city may be found at all times covered with most beautiful specimen of drawings of animals, plants, and common things. The little children, also, become expert in printing words and sentences, thus training the eye for skill in penmanship when they become old enough to use a pen. There is no reason, whatever why in every little ungraded school in the State, the smaller children should not be allowed the same delightful school amusement of drawing and printing on slates and blackboards. It is play for them, not work; and the teachers who keep the little ones bolt upright all day, in their seats, "doing nothing," except when called out to read and spell, are singularly unreasonable.

My pleasantest experience of ten years' teaching was in introducing into a large primary school, of three hundred pupils, regular blackboard instruction in writing, printing, drawing, and map drawing. The children in the schools are starving for want of such amusements, and growing dead and dull because they do not get them.

Mr. Northup, in one of his ablest reports, thus beautifully delineates the advantages of drawing in public schools:

"Drawing is, however, still regarded by many parents, and I am sorry to add, some teachers, as a superfluity, at best only a pleasant diversion, allowable perhaps for girls, among other merely ornamental branches, but useless for boys, having little relation to the stern duties of life. It is therefore excluded from school, as some farmers exclude shrubbery and flowers from their yards and gardens, to make more room for fruit trees and vegetables. Now skill in drawing has an intrinsic and practical value. It is of great importance in all pursuits conversant with the exterior forms of things, and to many trades and professions, including all scientific mechanics, it is quite indispensable. It is useful to the architect, the master builder, and almost every mechanic, in drafting his plans, making contracts, and calculating the cost of construction. The 'pattern rooms' in our machine shops and foundries, in the print and

carpet factories, in the jewelry and plate works, the engraving and paper staining establishments, in the arsenals and armory works, and many other manufactories, will indicate in part the numerous and important uses to which the competent draftsman applies his skill. I pass over its obvious use in all inventions, in surveying, in map drawing, and civil and military engineering, and other pursuits, for there is scarcely any calling in which this art would not find a useful application.

"But these practical uses of drawing, valuable as they seem, are of minor importance compared with its influence in educating the mind. Drawing will directly facilitate the art of writing. The two are intimately connected. There is some truth as well as exaggeration in the maxim of a philosophical educator, 'without drawing there can be no writing.' Geometrical drawing is easier than writing, for which it is the best possible preparation. Children can be and should be taught this form of drawing as soon as they can hold a pencil, even before they have learned the alphabet, and of course long before they are prepared to write. Practice in drawing will give that special training to both the eye and the hand, upon the union of which good writing mainly depends, securing ease and exactness in their use.

"This exercise proffers great advantages as a means of intellectual culture which my limits allow me merely to suggest. The delineation of objects by the art of design is fitted to form the habit of accurate observation, so that the mind will obtain and retain clear and exact perceptions of things. The eye may be and ought to be educated as well as the ear. The artist, it has often been said, sees the works of nature as they are seen by no other. Ruskin says: 'The more I think of it, I find this conclusion more impressed upon me, that the greatest thing a human soul ever does in this world is to see something, and to tell what it saw in a plain way. Hundreds of people can talk, to one who thinks; but thousands can think, to one who can see.'

"Drawing, when early and properly taught, will exert a direct influence in disciplining the memory, quickening the imagination and power of invention, and developing the judgment. Great pleasure as well as improvement may be gained by the ability to observe accurately the beauties of nature, and judge with discrimination of the merits of artistic productions. Like the sister art of music, it will aid in the maintenance of order and good government, bringing variety, life, cheerfulness and constant employment, even to the youngest pupils. This art will furnish innocent amusement at home as well as at school. It is so fascinating to the young that it will agreeably and usefully occupy their leisure hours, tend to render home more attractive, and to check those idle habits which, when once formed, work out untold mischief even to children. This branch tends also to promote refinement of taste, and elevate the moral feelings, cultivating both the perception and love of the beautiful, and fostering a love of nature, and leading their minds to look up through his wondrous works to the great Author of all things."

#### IMPROVEMENTS IN METHODS OF TEACHING.

In this connection, I cannot forbear paying a deserved tribute of commendation to the excellent methods of instruction so well carried out in

some of the schools which I have visited during the last year. Great as has been the material and financial progress of the schools indicated by statistics, the improvement in teaching has been still greater. The County Institutes have been doing their work; the State educational journal has aided the revolution; and in many schools the good old way of training children to be stupid is a thing of the past.

It is an opinion sometimes expressed that the only good schools of the State are to be found in San Francisco. But after three years traveling in the State, and a personal acquaintance with a majority of the teachers and schools, I can justly say that I have found in other cities in the State schools in every respect as good as the best classes in San Francisco, and teachers as able and competent. And further, that in many little country districts, in out of the way places, I have found teachers and schools as good as the very best in any of the cities. To such faithful and earnest teachers is owing, in a great measure, the favor with which our public schools are now regarded by the people, who are always ready to appreciate good schools by voting taxes for their support.

After all legislation, and all taxation, devoted and earnest teachers must vitalize the schools by their own energy. They alone can build up the character of the schools, train the minds, and mould the character of the pupils. From my own experience of the outlay of labor, time, patience, perseverance, and self-sacrifice required to conduct successfully a large public school, I can appreciate the more fully the obligations which the people of the State owe to the many skilful and enthusiastic teachers who have so advanced the standing of the public schools during the past three years.

For the uniform kindness and courtesy with which I have been welcomed by such teachers in my travels, I return my most heartfelt thanks; and express the hope that the same spirit of professional and personal kindness and co-operation may be continued during my administration of the Department of Instruction, without which I can accomplish little, and with which I hope to do much, both for schools and for the profession of teaching.

The course of study in many of our grammar and ungraded schools could be much improved. One half the time in all the schools is devoted to arithmetic, that grand hobby of American schools and of Yankee teachers; while penmanship, drawing, spelling, physiology, history, and the use of the English language, receive comparatively little attention.

The crack classes are the arithmetic classes, and the merits of a whole school not unfrequently rise or fall with the exploits of the first class in arithmetic on "examination day."

Arithmetic is well enough in its place; but the sky is not a blackboard, nor are mountains all made of chalk. Children have faculties other than that of calculation, and they need to be exercised on appropriate subjects.

Is it not quite as important that a boy of fifteen be able to write a neat, well spelled letter, as to "explain the reason of the rule for extracting cube root?" Might not the girls learn the elements of botany, admire flowers a little more, and arithmetic a little less? Could not the boys, who devote two hours a day for ten years to arithmetic, spare a little of that time to learn enough of natural history to be able to tell the difference between a hippopotamus and a rhinoceros, a condor and a grey eagle, or a fish and a quadruped? Ought not both boys and girls to learn enough of physiology and hygiene to understand the common

laws on which health depends? Ought not a boy of fifteen, when he leaves school, be able to keep a common, plain, working man's account book? Practical men would say all these things were quite as important as complicated problems in arithmetic, or complex analysis in grammar, or endless pages of geography.

A natural system of training little children would teach them to use their senses for gaining a knowledge of common things, in addition to reading and spelling. The perceptive and expressive faculties need training as well as the reasoning and reflective. It is quite as important that some practical and useful information be imparted at school, as that the "mind should be disciplined." The physical nature should be cared for; and the soul needs expansion and development quite as much as mind or body.

The best teachers are not those who can cram the most mathematics into the heads of their pupils, or hitch on the longest trains of ponderous verbatim recitations to the smart teams of fast classes; but those who can win the love, touch the hearts, and awaken the sympathies of unfolding manhood and womanhood. Feeling, affection, and sympathy are better teachers than cold, clear, sharp, cutting intellect.

The truest and best teaching is something intangible—an electric fire, an imponderable agent which cannot be gauged by the figures and percentages of examining committees. A teacher with a great heart is better than one with a great head. It will always be so while children have souls as well as brains.

Many of our best female teachers never pass brilliant examinations. Their column of "percentages" is always low; but a great heart, womanly tact, love and kindness, place them high up on the scale of true teachers. The highest teaching is that which influences manner, stamps the character, and electrifies the whole nature. It cannot be reduced to mathematical system. It is superior to rules and regulations. It will not be limited to so many pages per term of arithmetic, or grammar, or geography. It is the intangible aurora which plays over the sky of the schoolroom, until one gorgeous glow rests upon the firmament of childish faces.

Bunglers may think that a school is a complicated mechanism of wheels and pivots, a weekly clock, which the teacher has only to "wind up," and then watch its running; but, in truth, each individual unit of humanity is a living harp, ready to breathe forth harmonious music if touched by the skilful fingers of a master hand.

The true teacher is neither an organ grinder, an automaton chess player, nor a Babbage mathematical calculator.

## COURSE OF STUDY FOR UNGRADED SCHOOLS.

The ungraded schools of this State differ so widely in respect to number of pupils, length of terms, regularity of attendance, and advancement of pupils, that it is extremely difficult to prepare any outline sketch of a course capable of being adapted to their various wants. Yet it must be evident, when teachers change their schools every term and every year, and when children are subject to changes almost as frequent, that some attempt ought to be made by school officers, to secure to the children

something like a uniform course, which shall give to each study its proper time, and which shall aid young and inexperienced teachers in classifying their schools.

The success of a teacher in an ungraded country school of forty or fifty pupils, will depend in a great measure on right classification. The economy of teaching consists in making the fewest possible classes, and in teaching the greatest possible number of scholars together. The plan of having a class for every two or three pupils, because there is a slight difference in their scholarship, is a ruinous one. Another common evil to be avoided consists in excusing pupils from some of the school studies, to oblige the whims of parents. One thinks arithmetic is the all important branch for his boy; another is "opposed to physiology;" a third to history; a fourth to grammar; a fifth to singing; a sixth to calisthenics. The course of study in a public school should be the same for all, without exception, and the progress in each branch should be uniform.

The following rough draft of a course of study is submitted, more for the purpose of securing the criticisms and opinions of teachers and school officers, than with any expectation that it is suitable for adoption without material changes. The brief time allowed for its preparation is an excuse for some of its imperfections; but, as it is probable that there will be an amendment to the school law, giving to the State Board of Education power to adopt and enforce a uniform course of study, I submit this as a basis for discussion. The course is arranged with reference to "grades," instead of terms or years, in consequence of constant changes of pupils, and the different length of terms of ungraded schools. Few pupils in this State remain five years in the same school. The classification by grades allows a wider range for the judgment of the teacher, as pupils may be advanced from one grade to another whenever found competent. This division of grades will at least secure uniform advancement in all the different studies. A pupil cannot be in the first class in reading, the second class in geography, and the third class in arithmetic.

Without further explanation, it is submitted to the criticisms of all teachers into whose hands it may fall, with the request that they forward to the State Superintendent any changes and improvements which may be suggested. I take occasion to acknowledge valuable suggestions from the Sacramento County course, and from the course of study prepared by Honorable J. M. Gregory, State Superintendent of Michigan, for the primary ungraded schools of that State, published in his valuable report of eighteen hundred and sixty-three.

## COURSE OF STUDY—SIXTH GRADE.

*Reading*, taught from Willson's Charts, using the word-method. Alphabet taught when words can be called at sight. A set of alphabet *blocks* will be found very useful. In the absence of charts, Willson's Primer must be used, and it may also be taken up after the charts are learned. Drill of two minutes at each lesson on elementary sounds. Oral language, or talking, taught by means of simple object lessons.

*Numbers*, counting to fifty, by use of objects only. A box of beans, or kernels of corn, or marbles, or small pebbles, can be used for this purpose, in connection with the abacus, or numeral frame. The use of objects in counting, instead of abstract counting, will enable children to form a more correct idea of the relative size of numbers, and will give a better foundation for arithmetical instruction. The Arabic figures may be taught from the blackboard, in connection with objects. Roman

numerals to ten. Short lessons in addition may be given, using the beans at first, each pupil having ten, and afterwards using the fingers. Counting in this grade should be allowed to fifty, and addition to ten.

*Slate and Blackboard Printing and Drawing.*—All pupils of this grade must be provided with a small slate, and pencil. Daily exercises on both slate and blackboard, in printing, from Willson's Chart Number Eleven, or from the primer, or from copies set by the teacher—capital letters, small letters, Arabic figures, lines, angles, etc. The pupils of this grade should be allowed to use the blackboard, during the recitations of other classes, at least twice a day, fifteen minutes or half an hour each time. Amusement is better than listless idleness.

*Object Lessons*, to train the perceptive faculties—sensation, perception, attention—will embrace lessons on:

*Forms*, including lines—straight, curved, parallel, perpendicular, vertical, oblique, and horizontal; angles—right, acute, and obtuse; surfaces—square and triangular;

*Colors*, the most common, such as red, blue, and yellow, from Willson's Color Chart, or in the absence of that, by classifying the colors of objects, such as grass, flowers, or articles of dress;

*Miscellaneous objects*, as articles of food, dress, or furniture, their parts and uses, the names of animals, plants, and vegetables, and their simplest uses. In these lessons the time must not exceed five minutes; only one or two new words should be introduced at a time, and every word and idea should be fixed in the mind. For instruction in object teaching the teacher is referred to Willson's Manual, accompanying the charts, or to Calkins' or Sheldon's books, one of which ought to be in the hands of every teacher.

*Manners and morals*, taught by explaining and enforcing habits of personal cleanliness, neatness in dress, order, obedience, and politeness, by telling, not reading, simple stories to illustrate the virtues of honesty, truthfulness, and kindness to one another, and to animals. Cowdery's Moral Lessons will be found invaluable for reference by the teacher, who should be able to tell the stories without the use of the book in school.

The time given to this grade must depend on the number of pupils it contains, compared with the other grades. The general rule must be short exercises, never exceeding ten minutes, and seldom five. The recesses of the children in this grade ought to be twice or three times the length of those for the older pupils. When in school they must be kept busy, and when there is nothing to be done, they ought to be out at play.

#### FIFTH GRADE.

*Reading.*—Willson's Primer completed, and First Reader begun, to be completed in this grade. Willson's Charts, Numbers Four, Five, Six, Seven, and Eight, spelling first from the Charts, then from Willson's Primary Speller, the words to be used in constructing oral sentences according to directions. Spelling lessons to be printed daily on the blackboard and on slates. Phonic spelling from Charts Numbers Seven and Eight, breathing exercises and calisthenics two minutes at each reading lesson.

*Numbers*, counting to two hundred; counting by twos, fives, and tens to fifty, and backward. Adding and subtracting numbers, not to exceed twenty in amount; mental operations to be expressed by written figures on the board and slates. This grade strictly limited to small numbers and simple operations, quickly performed.

*Printing and Drawing.*—Printing spelling lessons continued, and

tences begun. Drawing lines and angles, from Willson's Chart Number Eleven.

*Object Lessons.*—Lines and measures, forms and solids, and measures for the eye, from Willson's Charts, Numbers Eleven and Twelve. Colors, from Willson's Color Chart Number Thirteen, and box of hand color cards. In the absence of charts, the teacher will draw on the board, lines, angles, and circles; surface forms, as triangle, parallelogram, hexagon, etc.; measures, such as inch, three inch, six inch, foot, and yard, square inch and square foot; or better still, sticks and pieces of board to illustrate the same, to be used in actually measuring objects and distances in the room.

*Miscellaneous lessons* may embrace animals, birds, flowers, grains, vegetables, etc., from the charts, and confined mainly to names, parts, and uses.

*Morals and manners*, as in the sixth grade, with the introduction of longer stories, read by the teacher, with applications more fully made. Committing to memory maxims and mottoes, such as are found in Wilson's Manual.

*Remarks.*—In small schools, with few pupils, the fifth and sixth grades must be united in one. Short lessons and quick work; no exercise to exceed ten minutes at one time. Long recesses and plenty of amusement; make no smart children dull by long confinement and overwork.

#### FOURTH GRADE.

*Reading.*—Wilson's Second Reader. Short class drills of one minute each, at each reading lesson, on inflection, emphasis, pitch, and force.

*Spelling.*—Wilson's Primary Speller, with simultaneous class drill of two minutes each lesson, in phonic spelling, to secure distinctness of articulation and enunciation.

*Arithmetic.*—Eaton's Primary, counting by twos, threes, fours, fives, tens, and twenties, to one hundred, and backward; counting to two hundred, by bean boxes, if possible. Counting by objects is more difficult and more useful than abstract counting. Multiplication table begun, explained by objects and the numeral frame, and learned to six times twelve. Easy examples in addition and subtraction, performed on the board. Lessons of the Mental Arithmetic written on the board; short mental exercises, combining addition, subtraction, and multiplication. Numeration and notation, not to exceed one thousand; Roman numerals to one hundred.

*Geography.*—Allen's Primary, used according to the instructions to teachers in the text book. Colton's Geographic Charts, if in school. Globe used to explain the shape and revolutions of the earth, and the relative positions of the grand divisions. Lessons in local geography; direction of north, east, south, and west—not on the map, but out of doors; map of the school room; exercises in distances of places within five, ten, or twenty miles. Drawing all the maps of Allen's Geography on slate, paper, and blackboard.

*Slate and Blackboard Printing and Drawing.*—Printing lessons in arithmetic and spelling, both on board and slates; never leave the blackboard unused for a single minute; one grade can constantly be occupied. Drawing on slate and blackboard from margins of Spencerian Charts, from drawing cards, or best of all, from copies of the teacher.

*Writing*, on both slate and blackboard, first words from Wilson's Chart Number Nine, then capital and small script letters.



*Object lessons* may now be more systematically given, appealing to judgment as well as observation.

*Colors* reviewed and continued from the color charts. Forms reviewed and continued by using a box of geometrical solids. Animals from Willson's Charts; plants, forms and classes of leaves, and parts of flowers, from Willson's Charts.

*Manners and Morals*, taught by lessons in Willson's Second Reader.

### THIRD GRADE.

*Reading*.—Willson's Third Reader.

*Spelling*.—Willson's Primary Speller completed. All exercises in constructing sentences to be required as directed in the text book, as a preliminary to the study of grammar. Weekly exercise in collecting and writing words in common use, and the names of common objects.

*Arithmetic*.—Eaton's Intellectual. Multiplication table completed. Slate and blackboard drill exercises of five minutes, twice a week, in addition, subtraction, multiplication, and division. Lessons in mental arithmetic. Lessons on notation and numeration extended to larger numbers.

*Geography*.—Cornell's Primary. All the maps to be drawn on slate, blackboard, or paper; Cornell's Outline Maps used in connection. Globe used for explaining latitude, longitude, tropics, and polar circles, and relative position of places named in the geography. Map of county, town, or city in which the pupils live. Exercises in distances of places in this State, and next the outline map of the State, with principal cities, rivers, and mountains.

*Grammar*.—Greene's Introductory to Part II, at the option of the teacher. Exercises in constructing sentences similar to those in Willson's Speller. Principal parts of speech.

*Penmanship*.—Writing on slate and blackboard continued. Blank copy books and pen used. Drill class exercises in position at the desk, holding the pen, using the fingers and arm, and on elements of letters. Copies to be set on the blackboard, in connection with the Spencerian, or Payson & Dunton's Charts. Time, half an hour daily.

*Drawing*.—Slate and blackboard continued, and pencil drawing on paper begun. Forms of leaves from Willson's Charts Number Thirteen, and from drawing cards.

*Object Lessons*.—Willson's Charts continued according to directions. Begin collecting for the school, cabinet specimens of rocks, minerals, ores, metals, grains, and other common objects, using them as topics. Lessons, fifteen minutes, twice a week.

*Moral Lessons*.—Cowdery's Moral Lessons. Making full application of lessons, for the purpose of exercising the conscience in judgment of acts and character. Pupils can now be taught the foundation of moral obligations, and the various classes of human rights and duties.

*Remarks*.—In this grade pupils begin to study lessons systematically. If the school is large the teacher can make daily alternations of reading and spelling, or of grammar and geography. It is by no means necessary that all the recitations should be daily.

### SECOND GRADE.

*Reading*.—Willson's Fourth Reader; two lessons a week in connection with Willson's Charts.

*Spelling*.—Willson's Larger Speller; two lessons a week, both written and oral, alternating with reading.

*Arithmetic*.—Eaton's Practical, begun and continued to decimal fractions; daily lessons. Eaton's Intellectual continued; two lessons a week. Drill class exercises, of five minutes each, in written arithmetic, on rapid operations in addition and multiplication.

*Geography*.—Warren's Intermediate. Learning the coarse print and leading map questions. Cornell's Outline Maps continued. Exercises in latitude and longitude of cities and countries on the globe. Outline maps, on paper, every two weeks. Two lessons a week in geography, alternating with grammar.

*Grammar*.—Greene's Introductory completed. Weekly compositions, embracing geographical descriptions, or descriptions of objects, considered under the head of object lessons. No compositions on abstract topics.

*Penmanship*.—Pupils must now be taught how to write, fold, and address a letter; one letter a week, until the letters are correctly written. Engraved copy books of the Spencerian, or Payson & Dunton's system. Blank books still used for drill exercises. Pupils required to present monthly specimens for examination and credits.

*History*.—Quackenbos' Primary.

*Object Lessons*.—One lesson a week, fifteen to thirty minutes. Collection of cabinet specimens continued.

*Moral Lessons*.—One lesson a week, half an hour.

### FIRST GRADE.

*Reading*.—Willson's Fourth continued, or Fifth taken up, if the class is competent to use it. Two lessons a week.

*Spelling*.—Willson's Speller continued alternately with reading. Written exercises in constructing sentences, according to directions on each page of the Speller.

*Arithmetic*.—Eaton's Practical continued. Exercises in writing promissory notes, orders, receipts, and business forms, twice a week, until all the pupils can execute them neatly and correctly. Written examinations of ten questions, once a month.

*Grammar*.—Quackenbos'. Pupils required to correct one another's written exercises and compositions, and to rewrite them before submitting them to the corrections by the teacher. Grammar alternating with geography. Written examinations monthly.

*Geography*.—Shaw and Allen's Comprehensive. Specimen maps drawn once a month. Written geographical descriptions, and monthly review examinations in writing.

*History*.—Quackenbos' United States.

*Physiology*.—Hooker's Larger, alternating with history.

*Bookkeeping*, in place of writing; Payson and Dunton's Elementary.

*Oral Instruction*, in State Government, and in Constitution and Government of the United States, rights and duties of citizenship.

*Remarks*.—In schools numbering fifty pupils, it will probably be found necessary to have at least two classes in arithmetic and grammar, in this grade, and the same in the second. In reading, spelling, and geography, every effort should be made to keep the classes united.



## ADVANCED GRADE.

*Arithmetic*.—Eaton's Practical completed, or High School begun.  
*Algebra*.—Robinson's Elementary, alternating with arithmetic.  
*Reading*.—Declamations and recitations.  
*Bookkeeping*.—Advanced.  
*Grammar*.—Analysis and composition.  
*Natural Philosophy*.—Quackenbos'.  
*Elementary Drawing*.  
*Geometry*.

## GENERAL EXERCISES.

The tact and skill of teachers will be shown in the arrangement of general exercises for the whole school, or for two grades united. Some of these exercises should be as follows: In arithmetic, drill exercises of five minutes in mental examples at least twice a week; slate and blackboard exercises of five minutes in adding columns of figures for first, second, and third grades together; exercises in four elementary rules.

Declamations for the boys, and select readings or recitations of poetry by the girls, weekly or semi-monthly. Physical exercises daily, such as free gymnastics and other exercises, according to Lewis' or Watson's handbooks.

Spelling matches in oral spelling, uniting the three highest grades. Written spelling in the same manner.

General exercises of three grades in letter writing. Drill exercises of the whole school in penmanship, position at the desk, holding the pen, and elements of letters.

Allowing the pupils of one grade to question those of another on any one of the school studies. Object lessons for the whole school. Singing should be a daily exercise, if possible.

*Manners and Morals*.—General lessons on such topics as lying, stealing, profanity, intemperance, idleness, industry, honesty, truthfulness, duties to parents, obedience to authority.

*Indispensable School Apparatus*.—Willson's School and Family Charts; Cornell's Outline Maps; Map of California; a globe; Webster's New Pictorial Dictionary; set of writing charts; numeral frame; set of alphabet blocks; box of geometrical solids; a foot rule and a tape line; gill, pint, and quart measures; ounce, quarter pound, half pound, and pound weights, avoirdupois, and scales for experiments in weighing; a box of beans or marbles; a school cabinet.

## COMMON SENSE IN TEACHING.

It is not to be expected that all ungraded schools can be reduced at once to the preceding course of study. The suggestions contained in it will be valuable to young and inexperienced teachers, and can gradually be made the basis of classification by the great majority of teachers. As no two teachers think alike, act alike, or look alike, every teacher is expected to have his individual plans and methods. It is not proposed

to compel all to run in the same cast iron groove. But it is desirable that all should have some general system, and unity of purpose.

I cannot better express my own views in this connection than by quoting the substance of a short address before the State Teachers' Institute, in eighteen hundred and sixty-three:

It is one of the highest compliments we can pay a man to say that he possesses good common sense. The article in question is certainly one of the most important qualifications of a successful teacher. Call it "tact," or "knack," or "faculty," or "gift," or whatever you please, it implies always a clear conception of things as they exist, and an adaptation of means to the end sought.

In broaching this subject, I feel that I may place myself in the situation of the learned divine, whose third and principal division of his discourse was, "concerning that of which we know nothing." I do not propose to treat of a course of instruction for graded schools, where children are presumed to be in regular attendance for a series of years, and where provision is made for a specific course of learning for all the faculties of the mind; but to consider briefly those schools remote from cities, and continued only a part of the year. What are they expected to accomplish, and what view should the common-sense teacher take of his field of labor? Many of our public schools in the sparsely settled districts of the State are kept less than six months in the year, and even then the attendance is irregular and inconstant. Pupils may be expected to attend school from the age of six to fourteen; and allowing six months attendance in each year—a high average when one fourth attend only three months of the year—the actual time at school will be reduced to four years. The question propounded by common sense is, What course of instruction will impart the greatest amount of useful information, and best fit the children for the duties of common life?

Now, hardly any course of study or mental exercise can be sought out which shall be utterly useless. The driest and dullest style of memorizing musty text books, and the most parrot-like verbatim recitations, involve some thought, and are not without some advantages. The thoughtful man of wealth, who, in order that his son should not grow up in idleness compelled him to wheel a huge pile of stones from one part of his garden to another, and then wheel them back again, and so kept him wheeling them back and forth each day of the year, was wiser than the parent who allows his son to do nothing. But it would have been more sensible in the man of wealth had he set his boy at work upon some useful labor which would have interested his attention, instead of keeping him engaged in unprofitable drudgery.

I cannot help thinking that sometimes in our schools we set the boys to wheeling stones, instead of building walls, or clearing fields for future harvests. For instance, keeping a boy for years drilling on the stereotype forms of solving mental arithmetic, committing a great mass of routine verbiage, when he ought to learn the simple forms of written arithmetic used in business life, is undoubtedly "wheeling stones." The boy may repeat the "solution," and the "forms," and the "conclusion," and the "therefores," and "wherefores," with a marvellous skill, and yet it is not common sense teaching. A man was brought before an Eastern king, and extolled by the courtiers for his wonderful powers of endurance, because he could stand on one leg for twenty-four hours. "A goose can stand longer than that," said the king.

When, in school, we teach boys and girls the abstract rules and sci-

tific mysteries and technicalities of grammar, training them skilfully to analyse complex and involved sentences, but omitting to teach them by daily practice how to express common thoughts in correct English, or how to talk correctly in ordinary conversation, without using provincialisms or cant phrases—what are we doing but keeping them “wheeling stones?”

When children study for years the columns of uncommon and obsolescent words piled up in perpendicular obelisks, staring them in the face like huge exclamation marks of wonder and surprise, and then leave school unable to write a list of articles wanted from the corner grocery without exciting the risibilities of the groceryman, or are unable to write a friendly letter without offending the eye by misspelling the commonest words—what have they been doing but “wheeling stones?” And when these same ambitious scholars are allowed to shoulder algebra, and meddle with French and Spanish, and skirmish around the advanced studies, they are, indeed, carrying the stones without a wheelbarrow.

So, when scholars are kept forever drilling on elementary principles and minute particulars, it is not in accordance with common sense. “Be thorough,” is a good maxim; but there is such a thing as being too thorough—of dwelling on particulars, to the neglect of essentials. A teacher may be painfully particular, like a good aunt of mine, years ago, who was so distressingly neat that nobody ever took any comfort in her house.

In arithmetic, for instance, it is keeping a boy wheeling stones “to discipline his mind” a month in learning to explain in due form the reason of “inverting the divisor in dividing one fraction by another,” if thereby he should fail to learn how to write a promissory note, compute simple interest, or make out a bill. A teacher from a graded city school would fail in an unclassified school should he attempt to apply the same test of thoroughness, or to pursue the same exact course of study. Certain results must be obtained, to the sacrifice of many particulars which are all good in themselves. One great reason why self-educated men are practical workers is that they learn nothing they do not want to use, and so learn it well. Concentration gives them strength. Napoleon dispensed with tents and luggage in his great armies, taking only what he wanted to use—the sword and the bayonet.

It seems to me—and the conclusion has been growing stronger each year, during twelve years’ experience in public school teaching—that no small part of what children are required to learn might appropriately be headed: “Things worth forgetting.” Nature is wiser than we are, and casts off the useless surplus of facts and figures into utter oblivion. Run through an ordinary school geography, and see how many bushels of chaff to a single grain of wheat. Look at the compendious arithmetics, strike out nine tenths of which, and the remainder would be more than sufficient. Look at the bulky grammars, grown fat by feeding on all other grammars printed since Lindley Murray’s, of which not even the authors could carry in their heads a moiety. Look at the school histories of our country, full to repletion of dates and chronological tables, containing more of details than any grown man in the United States could learn in a lifetime. I allude to these only to show how much a teacher must omit in the school text books, and how essential that he should have common sense to guide him in selecting.

A four years’ course of study in an unclassified school can neither be very complicated nor very extensive. A matter of fact teacher would look at his work in something of this manner: These boys are, most of

them, to become farmers, miners, mechanics, and laborers. All the scholastic education they receive will be gained here. These girls will, most of them, become the wives of farmers, miners, mechanics, and laborers. What instruction is absolutely essential to these boys and girls to fit them to grow up respectable men and women? Letting alone the geniuses and the prodigies, they are of average mental capacity. What shall be done with them?

First, they must learn to read, write, and spell the English language. Reading is usually taught well enough for all practical purposes, whether according to elocutionary rules or not; but penmanship and spelling are too often sadly neglected. Almost every man, in whatever occupation engaged, is called upon to write, more or less, every day of his life. Writing involves spelling, and both are unmistakable evidences of culture or want of it. Teach these three things thoroughly, so that every child fifteen years of age shall be able to read readily, to write legibly, and to spell correctly, the words in the English language most used in common life. Sacrifice everything to this—even let algebra remain a minus quantity, and the higher branches take a back seat. They are of vastly more practical value than arithmetic—the trite and venerable maxim, that the study of arithmetic is the best discipline of the mind, to the contrary notwithstanding. A knowledge of arithmetic sufficient to enable men and women to keep accounts correctly will suffice, letting alone the mental discipline of the reasoning faculties, so often harped about. Ben Franklin was a dullard in arithmetic; he grew up with pretty tolerable reasoning faculties, because he kept his percepts wide awake.

Some knowledge of the geography of the world is necessary, and particularly that of our own country. But common sense declines to expect that little boys and girls should learn the names and locations of the two thousand little round dots on the map of the United States, called towns and cities, with figures attached representing the population; or the names and length of the five hundred little black lines, drawn like spiders’ webs over the map, representing rivers. Neither is it necessary that they should commit to memory the entire returns of the last census. Strike out nineteen twentieths of the questions and answers in such a geography as Cornell’s, Warren’s, or Fitch’s, and the remaining twentieth will be more than most children of average ability can learn and retain. How I wish some of these bookmakers had to learn their own books! Any teacher who would expect or compel his scholars to answer all the “questions in the book” on examination day, ought to be indicted for a lack of common sense; and any committee-man who should find fault because the scholars couldn’t answer them, ought to be strapped within an inch of his—collar.

A general knowledge of the leading events in the history of our own country, they should be expected to acquire; but if, on examination day, they fail to tell the exact day and hour on which every battle of King Philip’s war, the French and Indian war, or the Revolution, or the war of eighteen hundred and twelve, and exactly how many were killed, wounded, and missing; or should they forget that wonderful account given by one school history, of two early settlers of New England who were frightened up a tree by a lion, and remained there in perfect terror, and came safely down the next day!—common sense would not be shocked. But the patriotic lessons of our history should be interwoven into the associations of school days. The self-sacrificing devotion of the Colonists to principle, in the preliminary struggles of the Revolution; the character of Washington; the heroic patriotism of the army at

Valley Forge, starving, sick, and barefoot, in mid-winter; the daring of "Old Put," the eloquence of Patrick Henry; the exploits of Marion and Sumpter; the daring treason of Benedict Arnold, whose "conditional loyalty" depended on place and promotion; the intrigues of political demagogues against Washington; how Andrew Jackson suspended the *habeas corpus*, and saved New Orleans and our National glory; how nullification collapsed in his defiant grasp; how Webster throttled the doctrine of State Rights, and how, with Clay, he stood by the Constitution and the Union; how Buchanan demoralized the Government, and how treason was plotted in open day in the Senate of the United States; and how Jefferson Davis established a temporary despotism based on slavery; how the patriotic masses rose to vindicate the Union—all these should be learned by heart, till they are as familiar as household tales. Some knowledge of the Declaration of Independence, and of the Constitution of the United States, common sense would not deem sectional, nor fanatical, nor dangerous.

Next in importance comes a knowledge of language—of the meaning and use of words. This must be communicated by the teacher, in questions on reading lessons, and in oral lessons. Dictionaries alone cannot impart it. Printed words are valuable only as the medium of ideas; if the medium is opaque, the ideas will be muddy. After a knowledge of language comes the framework of grammar. And here, I think, common sense steps in and dictates that in order that scholars may learn to speak and write the English language correctly they should be exercised in writing sentences, and talking sentences, instead of continually tearing to pieces the sentences of others. Exercises on grammar, sufficient to enable them to write a letter, and speak plain English correctly, should be embraced in the course.

Some little knowledge of physiology and hygiene should be imparted, inasmuch as each boy has to take care of his own body, and when he ruins that by ignorance of the laws of health, he will find it very inconvenient to transfer his knowledge of arithmetic and accompanying mental discipline to another *corpus*. And as most of the young girls will become mothers, and consequently the custodians of the constitutions of the next succeeding generation, common sense opens its eyes in astonishment that committeemen and School teachers should ignore all allusion to physiology, anatomy, and the laws of health, and exalt arithmetic, algebra, and the fashionable branches.

A little drawing, a little vocal music, a little calisthenic and gymnastic training may be introduced as incidental amusements and recreations. Some provision should be made during the whole course for daily exercise of the perceptive and the expressive faculties, as well as for the reasoning powers. Children should be trained to habits of observation. They should be trained to distinguish colors, to tell the properties of the common objects by which they are surrounded; should be taught something of natural history: at least enough to distinguish a dog from a coyote, or a grizzly bear from a calf, or potatoes from yams, or cauliflowers from cabbages. A boy instinctively turns to stories of birds, beasts, and fishes. Why not teach him something about these, as well as keep him on the sawdust of gerunds, participles, and the philosophy of casting out the 9's.

Herein lies the most grievous deficiency of our schools; that they deal with the abstract instead of the real. I have repeatedly asked classes which could run off pages of questions in geography with marvellous rapidity, to point north, and the direction generally has been perpendicularly up to the zenith; they had no notion whatever of directions,

except as the top and bottom of the map. A city was to them a *dot*, nothing more; a river—a crooked line, and a mountain—a definition. How many classes have I seen versed in "the tables," who would estimate the dimensions of a room sixteen feet by twenty, in numbers ranging from five and forty to ten and eighty; how many who could not estimate the weight of an object weighing five pounds, within four pounds of its weight; how many that had no notion of a mile, except as three hundred and twenty rods; how many who could "parse like a book," and yet could not write five consecutive sentences in tolerable English!

If common sense were a schoolmaster, he would look with favor on the new system of object training as supplying a basis of actual knowledge on which the reasoning faculties should afterwards be exercised. He would also endeavor to collect a small school library, well knowing that many a boy who grows dull, listless, and lazy over his set tasks, will absorb general knowledge from readable books, as a thirsty plant drinks in the rain drops of a summer shower. In governing his school, he would treat scholars like human beings, bearing in mind that children are born to be happy, not miserable; and that school ought to be made a pleasant place.

The teacher must expect to leave much untaught. If he attempts to teach everything, he will fail; for nobody ever succeeded. He must expect to find some dull scholars, some obstinate ones, some vicious ones, some troublesome ones, some negative ones, some good ones; if he is a philosopher, gifted with a sublime common sense, he will go calmly and quietly at work, do his duty faithfully, and not worry about results—bearing in mind that all the stupid boys and dull scholars, somehow or other, generally grow up into respectable average men and women.

## PHYSICAL TRAINING.

Intellectual training being the main object of the public schools, it is not surprising that the body has too often been remorselessly sacrificed to the brain.

The neglect of physical culture having produced a long train of evils too serious to be longer evaded by the most stubborn conservatives, the result is, that systematic physical training is beginning to be recognized as a duty in the public schools of the United States.

In Boston, New York, Chicago, and many smaller cities, gymnastic and calisthenic exercises form a part of the daily drill of pupils quite as regularly as the mental exercises in arithmetic and grammar. In Amherst College, muscular training in the gymnasium is insisted on quite as strenuously as a knowledge of the classics. Yale and Harvard are using their gymnasiums to build up stout bodies as well as strong minds. A four years' war has taught the nation to place a higher value on physical manhood. In many public schools, the elements of military drill have been introduced, and under the stimulus of the war spirit successfully carried into effect. But the first great requisites for good soldiers, before which all others sink into insignificance, are sound health, activity, and power of endurance. The rawest recruits can be taught to handle a musket in a few weeks, but muscles of iron and sinews of steel

cannot be fastened upon men like knapsacks. The Greek and Roman veterans were trained from boyhood to make soldiers by gymnastic exercises and athletic games and sports. To lay a solid foundation for our own military strength as a nation, we must begin with the three millions of boys in our public schools; and, while we breathe into their hearts the spirit of patriotism, we must train them to a muscular power which will give us fit soldiers to fight and win the battles of the republic.

Ten years of boy life in schools where regular gymnastic drill is followed up, and where a fondness for all athletic games and sports is cultivated, will make a good foundation for military drill. This question has excited such deep interest among the educators of other States, and the lessons learned in the camps and hospitals are of such vital importance, that it claims more than a brief consideration.

Physical training is important as an efficient aid to mental culture. It comes into school as an amusement, a relaxation from the hard work of mental application. School amusements are a necessity of childhood. One of the greatest defects of our schools is their failure to recognize the laws of animal life.

In Germany and Prussia, the children are trained in the schools to gymnastic and athletic exercises; and the result is a national trait of fondness for out of door life. English schools are noted for rough and tumble games, football, cricket, leaping, running, wrestling, rowing, boxing, and fencing. Pluck is a national trait of English schoolboys and of English men.

Amusements in all nations and among all people, in some form, comes in to lighten the burden of toil. Labor is a means, not an end; and the true end of life, usefulness and happiness, lies in the golden mean, the alternation of labor, rest, and amusement.

When the only standing recreation of the American people is business, and their lighter amusements billiards and the ball room only, we have little reason to expect great fondness for sports in schools. This distaste for fun and frolic comes down to us as a natural inheritance. The grave old Puritans, who settled New England, and laid in granite the foundation rocks of the nation, had too much hard work to do in clearing farms and hunting Indians, to think much of amusements. They brought with them, too, something of the old Roundhead antipathy to Maypoles, dancing, and theatres.

Whatever may be the reason, it is certain that the Americans, as a people, have little fondness for athletic games and out of door sports, without which it is hard to keep the muscular system in good condition.

The ancient Greeks carried to the highest perfection the cultivation of the intellect and the training of the body. Their Olympic Games, their athletic exercises, their school discipline, their military drill, secured the highest possible degree of physical perfection. Their poets, orators, philosophers, painters, sculptors, and historians, were good fighters. Alcibiades, the Sybarite, the fop, the reveller, could live on black broth and rough it in the camp with the hardiest of the common soldiers.

Socrates was a soldier as well as a philosopher, and would have been less respected had he wanted the attributes common to all citizen soldiers—strength, courage, and endurance.

When in Greece a luxurious civilization corrupted the tastes of the citizens and reduced them to effeminacy, the rude barbarian claimed the land and won it.

Their severe gymnastic training, it is true, had for its primary object

the perfection of military discipline; but it also produced clear heads, strong minds, and the perfect forms which still live in marble.

Its influence was felt in literature, to which it gave a healthy cast. It gave to the nation its immortal sculptors and painters.

It is in the power of the public schools to educate the nation to a more healthful taste for simple amusements, and to raise the standard of manly strength and womanly beauty.

But apart from this, the highest degree of mental culture cannot be attained in violation of the laws of physical life. Childhood is the season of growth, of animal development. It is a mistaken notion that children are born into the world for the purpose of going to school to learn to read and write. Playfulness is with them as much an instinct as with kittens. Even in the long, dark winters of the arctic zone, where nature in her savage forms almost freezes out the life of man, Dr. Kane found the stunted little Esquimaux boys playing their games of ball on the snow banks. Let the children in school have amusements in the form of healthful, muscular exercises. It is absolutely painful to think how most of our primary schools sin against the laws of nature; how they cramp the little bodies, and repress childish emotions and impulses.

Education is the harmonious development of all the faculties of the human mind, and the training of the human body to its greatest strength and highest beauty. Why, then, in our public schools, should not physical training be considered as well as mental development?

It is evident to all who are in the least familiar with the daily routine of our public schools, that the muscular natures of the children are as little regarded as if they were made of gutta percha. Now, I do not suppose that many children are killed outright by the high pressure of exclusively mental training. Occasionally some nervous boy, brilliant and ambitious, his vitality all running to brain instead of body, drops out of school into his grave, and his death is attributed to Providence instead of mathematics.

But thousands of boys leave school, thin, pale, and weak, or bungling, clumsy, and awkward, when they might as well have left it strong, active, and graceful. It is not so much the positive harm which the schools inflict of which we complain, but their neglect to accomplish positive good.

It might be hard to prove, in Court, that delicate girls, of fine nervous organizations, have been killed outright by long lessons, over-stimulated ambition, late study hours, and mathematical puzzles; yet all teachers very well know that brain fevers have taken off many promising young girls, and that many more leave school with diplomas and ruined constitutions. All the girls in public schools have neither crooked spines, round shoulders, sunken chests, nor pale faces; but how much more perfect might be their physical development, did their health receive half the attention devoted to music, drawing, and mathematics. Can any mental culture be of greater importance than the health of those who are to become the mothers of the next generation of men? Few girls who are educated in the public schools escape the universal law of labor. Most of them, when they enter homes of their own at an early age, will need strength as well as accomplishments. Many of them must do their own housework, in addition to the care of children; and is the question of physical strength of no consequence to them? Is it of little consequence to the laboring man, with a family to support, whether his wife be strong or feeble, well or sick?

Any education purchased at the expense of health is a loss. The fact is, too many of the little misses in our schools were never girls. They are simply little old ladies, who never romp, never play, never know anything of the rich, sensuous life of a rude country girl.

"The English girl spends more than one half her waking hours in physical amusements, which tend to develop, and invigorate, and ripen the bodily powers. She rides, walks, drives, rows upon the water, runs, dances, plays, sings, jumps the rope, hurls the quoit, draws the box, keeps up the shuttlecock—and all this without having it forever upon her mind that she is wasting her time. She does this every day, until it becomes a habit which she will follow up through life. Her frame, as a natural consequence, is larger, her muscular system better developed, her mental system in better subordination, her strength more enduring, and the whole tone of her mind healthier." Which is preferable—the robust health of the English woman, who can walk twenty miles a day, or the timid accomplishments of an American boarding school young lady, sent home "finished to order?"

The strong boys, in the long run, come out ahead. When an ox is let into a pasture full of cattle, there is a trial of horns, and the strongest takes the lead. So with the boys of a public school. The strong, the energetic, the active, are the real kings of school, whether they are at the head or foot of the arithmetic class. Give the boy, then, the exercise his nature craves, and which will make him a live boy and a manly man. If he leaves school with a fondness for athletic amusements, he has one of the surest safeguards against expensive and ruinous dissipation.

A judicious union of social, mental, and physical culture, will make our public schools practically adapted to the wants of the people. If parents, through ignorance, neglect the proper training of their children, let the public school take charge of them. Amusements form a part of education, and much excellent gymnastic and calisthenic training may be connected with games or made delightful by music.

But some will say, leave children to follow their own inclination in plays and sports; it is not natural for boys to climb the ropes and ladders of a gymnasium, to swing clubs, lift weights, and revolve on bars; nor is it desirable that young ladies use "rods," swing dumb bells, and romp in the play ground. Any attempt at systematic and repeated drill will prove irksome, and therefore useless.

Then why not leave the mind to its natural, untrained action? Why submit the brain to regular training? Children's brains are as active as their bodies; why not leave both alike to the ill regulated laws of impulse and feeling? In mental culture we recognize the great law of nature, that no perfection is attained without repeated and systematic effort. Mental gymnastics of the severest kind are rigidly practiced during at least ten years of early life. Strength, readiness, and quickness are the result. Leave the mind to its own aimless action, and its strength all runs to waste.

The same law applies to the muscular system; yet we leave the boy in school, day after day, year after year, cramped over his desk, his muscles weak and relaxed, and his nervous energy, diverted from his growth, to be poured on an already overworked brain. If he have unusual stamina he comes out in tolerable health, but clumsy and bungling; if inclined to a nervous temperament he leaves school precociously sharp and quick, but thin, pale, and weak.

Take a class of boys and subject them, from the age of six years to

fifteen, to a careful and judicious daily exercise of an hour in such gymnastics as are best adapted to the growing body, and will not their physique be vastly superior to that of a class left to run wild in the yard? And would not such an additional stock of animal vigor and strength stand them in quite as good stead in the world as their limited store of school book learning? The graduates of West Point can be singled out of a crowd by their straight forms, erect walk, and general quickness of movement, and superior physical development. On a small scale, why cannot the elementary schools reach the same results? Any business man knows that sound health and power of endurance are quite as necessary to success as quickness in mathematics or skill in the use of language. What merchant would not rather have his son come to the counting room with every muscle strung to its highest tension, quick, active, self reliant, strong, and proud of his strength, even if he knows a few pages less of a few books, than to see him drag home a thin face and attenuated muscles? Do not mechanics and laborers think it of some importance that their sons, who will take their places and live by manual labor, shall have sinewy frames as well as intelligent minds? By far the greater number of boys who attend the public schools grow up working men. To all such, power of endurance is the most practical education. The arm to lift a fifty pound dumb bell is better than the analysis of cube root.

A sound body is the only capital they have to start with in life. Knowledge may be power, but muscular strength is food and clothing. Some men must earn their living by muscular labor, as well as others by their wits. Horace Mann said, and he *knew* the truth of it, "All through the life of a pure minded but feeble bodied man, his path is lined with memory's gravestones, which mark the spots where noble enterprises perished for want of physical vigor to embody them in deeds."

Sound health is a necessary condition of all permanent success, and the greatest drawback to our public school system is the neglect to provide for this necessity. Better illiterate strength than sickly erudition. It is true that sometimes a heroic spirit conquers physical weakness, but such cases are exceptions. Dr. Kane braved the terrors of the Arctic regions, and endured more than many physical giants, but died in Cuba. Nature had her revenge.

Many teachers will say, that is all very fine theoretically, but it is utterly impossible to carry it out practically in the school. Yet it can be done, has been done, and is done in a great many public schools.

Connected for a period of ten years with a public school of five hundred children, during five years of that time gymnastic and calisthenic training was made a part of daily education, just as much as arithmetic, or geography, or grammar, and with quite as satisfactory results. Having practiced all that I recommend, I am troubled with no doubts in urging the practicability of physical culture in the public schools. True, it was rather hard in the beginning to be blamed for innovations, laughed at by conservatives, and found fault with by parents. But persistence and patience overcame all obstacles. Mothers who at first objected to letting their boys exercise in the gymnasium, for fear they would break their necks or tear their clothes, soon grew proud of the strength and agility of their sons.

Delicate girls who horrified their mammas with accounts of wands and dumb bells, grew to like both, as they grew stronger under daily drill. Pale, weakly, good for nothing boys, who at first only moped around the yard and looked at the other boys, soon became interested

and took hold in earnest, until the narrow chest expanded, the round shoulders straightened, and the soft, flabby arm became like knotted whipcords.

The measurements of many boys' arms showed an increase of circumference of one inch in three months, and an expansion of the chest of two inches in the same time. One of those boys of my class put his muscular power so gained to good use on the hard fought battle ground of Cedar Creek, when Sheridan rallied his lines and swept off the rebels by main strength of hard fighting and tough endurance. Some of my most pleasant memories of teaching are connected with my gymnastic classes of athletic boys, who could kick foot ball, play base ball, lift dumb bells, swing clubs, climb ladders, vault the bar, walk the parallel, swing on the rings, foot it twenty miles on Saturday excursions, and box and wrestle with their teacher. I would not give those boys, who have since grown up to be rugged men, rejoicing in their health and strength, for all the arithmetical prodigies in the United States. As I feel the hearty grip of their hands, my only twinge of pain is that when I went to school my teachers did not have a higher estimate of muscle and a lower one of books.

One of those "big boys" of my class has been several years the leading gymnast of the Olympic Club Gymnasium of the young men of this city, and I am quite as proud of him as of another boy who has grown to be a scholar. Another strapping fellow, six feet two, straight as an arrow, and strong as Hercules, who has been two years in the army fighting Indians, is a walking illustration of the benefits of gymnastic drill in a public school. I would not thus allude to my own experience, except that any reference to gymnastics is met by many teachers with one argument, condensed in a single word—*impracticable*. How shall such exercises be conducted in a public school?

The excellent books of Lewis and Watson on Light Gymnastics, render it unnecessary for us to go into detail on the subject. All children have arms, and the will to use them. With or without music, any teacher in any school, graded or ungraded, can give ten minutes a day for free arm movement. A few dollars will buy a set of wands, and some wooden dumb bells; the girls can make two dozen "bean bags," and the farmers will donate the beans to fill them. With this simple apparatus alone, any teacher with an ordinary amount of ingenuity, tact, or skill, can, with the aid of a book, have a good light gymnastic class.

Half an hour a day can be taken out of the school hours, and the children be all the better for losing so much study time. A vast amount of training can be given even in the short period of a year. The time for study and recitation ought to be reduced. In years to come little children will not be confined in school more than three hours a day. Years ago the good old-time clergymen preached sermons two hours long, and those who could not stand them patiently, were held to be weak in the faith. Better sermons are now delivered in thirty minutes, with quite as good results. So it will be with schools. Better teachers than we, when the present six hour system shall have become obsolete, will teach more in half the time. Not length of time in study, but the quality of thought, and the force of action, is the measure of mental progress.

The light gymnastics are good for the smaller boys and girls; but the "big boys" will generally prefer some out of door exercises. The movable horizontal bar is a great favorite with boys, and the exercises on it are among the best of the gymnasium. One can be set in any

school yard for twenty dollars. A few iron dumb bells will be useful. The Indian clubs are excellent for the arms and chest, but boys do not generally "take to them." The swinging rings cost but little, and are liked very much. Leaping is a pleasant yard amusement, and requires only two sticks and a string. Football is a rough and tumble game; but it has the charm of intense excitement, and the more the boys get of it the better. Bruised ankles and sore legs are forgotten in the exultation of winning. Rugby ought not to monopolize it. Base ball is a fine old game, which ought always be kept before the boys. An occasional Saturday pedestrian excursion of twenty miles is a fine thing, if the teacher can stand it. I was reminded of one the other day by a strapping fellow, who exclaimed: "It made my legs ache, but how nice the beefsteaks were that we broiled on sticks over the fire." A set of boxing gloves will make fine fun for the older boys, and yet give them the most vigorous kind of exercise. "Do you box any nowadays," was one of the first salutations of one of my "boys," who has just returned from the army. He was thinking of the half hours after school with the boxing gloves, in the old schoolhouse, and how, with the aid of what he had learned there, he whipped the eyes out of a "big bully" at the West Point Military Academy. Wrestling used to be a favorite amusement, and what New England boy does not remember many a hard tussle on the green sward round the "old schoolhouse."

Teachers who wish to succeed in physical training must study variety in their exercises. Boys are fond of novelty and change, and the same routine day after day will soon tire. Witness how marbles, tops, kites, and ball, follow after one another, changing quite as often as the moon. It requires more skill, tact, judgment, and knowledge of boy nature to succeed with a gymnastic class than to teach arithmetic or grammar; one requires a soul and sympathy with boy nature, the other does not. An owl should not mingle with singing birds; and a cold, formal, dignified, melancholy teacher has no business in the boys' playground. If he cannot kick a foot ball well, the boys will laugh at him.

Every teacher needs gymnastic exercises and amusements. No occupation so drains the nervous power; he must find the "fountain of youth" in the sports of boyhood. What matters it if examinations are a little less "brilliant," children less precocious, and "school phenomena" less common? The object of school is to train up children to be sensible men and women, and to form tastes and habits which shall follow them through life.

The indirect lessons of the playground are often more valuable than the formal teachings of the classroom, and the kind words there spoken will soften the necessary severity of discipline in a public school. In the hours of play, when "off duty," the teacher with a great heart can win the souls of children while training their bodies. What teacher would not be remembered by his pupils as a sharer of their sports, a sympathizer with their boyish amusements, as a living man who had a heart, and moulded their character, and formed their tastes, rather than as a mere schoolmaster who only expounded text books.

So much prominence has been given to this subject in the reports of other States, and it has been so ably treated, that I cannot forbear making a few quotations. Honorable B. G. Northrop, one of the Board of Visitors to the West Point Military Academy, thus speaks of the physical culture in that institution:

"Notwithstanding the rivalry of the students, and the severity of the



studies and exacting rigor of the recitations, the health of the cadets is uncommonly good. It is a rare thing for a cadet to break down from over study. This is due, not primarily to the fact that all candidates admitted must possess a sound constitution, but more to the excellent hygienic rules of the academy. The body is the instrument through which the mind works, and its power depends, in no small degree, on the vigor of the physical system. Increased effort and energy of mind must be balanced by proper activity of the body. A wide spread error prevails on this subject. Study need not be injurious to health. The mind itself was made to work. Its primal law is, growth by work. It can gain strength only by spending it. The intensest study invigorates the body as well as the mind, strengthens both the nervous and muscular system, makes the blood course in stronger health-giving currents through the system, enlarges the brain, erects the form, softens the features, brightens the eye, animates the countenance, dignifies the whole person, and in every way conduces to health, provided only that it is pursued in accordance with the laws of hygiene as to diet, exercise, rest, sleep, and ventilation. In no other literary institution within my knowledge are these laws of health so rigidly observed; in no other are the requirements for study so severe and unrelenting, especially in the higher mathematics. One of the cadets, who is among the best scholars of his class, said to me, 'Before I came under this rigid regime, I could scarcely bear a tithe of the application I have here safely practiced.' There are regular hours for study, recreation, exercise, sleep, and meals. The food is ample, but the diet is plain. More than once I messed with the cadets, and became satisfied that there was no ground of complaint as to the quantity or quality of the provisions in the mess hall. No restaurant is tolerated on the premises, to suggest or facilitate the noxious practice of eating between meals, or at late hours in the evening. No tempting 'saloon' disturbs the stomach with pastry, cakes, or confectionery. The regular and frequent military drills, the gymnasium, and the equitation hall, invite or exact abundant and most invigorating exercise.

"Our colleges have recently provided new facilities and encouragements for gymnastic training. The results are everywhere happy, and happiest where, as at Amherst College, it has been made a department of positive duty, under the direction of a college instructor. But no college within my knowledge compares favorably with the United States Military Academy in regard to the prominence uniformly, and *by regulation*, given to physical education.

"The reveille early summons all to duty, and the close alternation of study, recitation, drill, or gymnastics, so fully use up both time and strength, that the cadets are usually quite ready for tattoo at ten o'clock at night, when all lights must be extinguished. There is, therefore, nearly the same uniformity in the hour of retiring as of rising. Well would it be if the tattoo, or regard to laws of health, no less imperative, closed all lights and eyes as seasonably in our colleges. How many students graduate from other institutions, with mental energy braced by no physical vigor, attended by a positive aversion to active exercise, not enfeebled by bodily languor, impaired health, or a broken constitution. How sadly in contrast to the exuberant health, the joyous glow of bodily energy, the strength of constitution, the power of endurance, the scorn of ease, the love of toil and adventure, and the eagerness for exploits which mark the cadets as they come forth like racers panting for the course."

On the practicability of introducing elementary military drill into public schools, the following from the Boston report of eighteen hundred and sixty-four, will be found interesting:

"One of the interesting questions discussed and acted upon by the Board, during the year under consideration, was that of the introduction of military gymnastics and drill into the public schools. This subject was first brought to the notice of the Board in a petition signed by Edward Everett, Charles G. Loring, James M. Beebe, and others, 'citizens of Boston, interested in the preservation of public order and the protection of property,' praying that instruction in military drill might be forthwith introduced into the public schools for boys. A supplementary petition was at the same time presented, bearing the signatures of very many citizens of almost every calling and profession, asking for the introduction of military drill and discipline as a part of the daily exercises of our public schools, 'believing that the hygienic effect of a thorough military training would prove it to be, not only the best system of physical exercises for the schools, but at the same time inculcate a more manly spirit in the boys, strengthen and extend their faculties, invigorate their intellects, make them more graceful and gentlemanly in their bearing, and render them competent at the age of sixteen or eighteen years to enter the field as privates or officers of any regular military organization.'

"The petitions above referred to were duly presented at a meeting of the School Board, held on the third day of November, eighteen hundred and sixty-three, and a special committee was appointed to consider and report. Of this committee, Honorable George S. Hale, President of the Common Council, and ex officio member of the School Board, was made the Chairman. The committee, in their report offered a few weeks subsequently, unanimously favored the plan, which they urged both as a means of physical training and ultimately of national defence, and recommended that it be tried, at first as an experiment, in the Latin, English High, Eliot, and Dwight Schools, for one half hour at a time, on three days in each week. They also recommended that a competent teacher be obtained to instruct, in such military gymnastics and drill, some or all of the masters and ushers of the schools. This report was laid on the table, and ordered to be printed. We refer our readers to another part of this volume for the document and its recommendations in full. At a subsequent meeting it was, with slight amendments, adopted.

"At a meeting of the Board, held in March following, the Committee on Military Drill reported that, so far, the experiments in the four schools above named had proved satisfactory. The quarterly report of the District Committee on the Dwight School, at the same time, made favorable mention of the operations of the plan and its influences upon the ordinary school work. More recently, the masters of the several schools, in which the experiments had been given a trial, gave in, with more or less measure of approval, their adhesion to the scheme.

"The term *elementary military drill*, as used in this connection, we conceive to have been happily chosen. By it is indicated that preliminary physical training which is practised in the best European schools and gymnasiums for months and years before the tactics and manual of the soldier with his musket is begun. All this is preparatory to active military evolutions. It is rather the thorough and systematic carrying out of some well considered plan of general physical exercises, which may be advantageously commenced in the primary schools, and carried thence

in regular gradation up through all the classes of the grammar and high schools, and which has for its object the proper developing of the whole physical frame. It is this preliminary training of the body, systematically and persistently followed up, to which, no doubt, the Duke of Wellington referred when he said it was Eton that gave him Waterloo. It is a grave mistake to suppose that a reasonable amount of time given regularly to bodily culture would take from or interfere with the ability of the pupils to accomplish, in the allotted time, their proper quota of ordinary school work. On the contrary, the mind is thus recreated with the body, and applies itself more vigorously, as well as more easily and healthily, to its tasks.

"Says an eminent English authority, in speaking of the effects of the elementary military drill at the Windsor School, where the custom was early established: 'It has proved efficacious in producing orderly habits, as well as great physical improvement.' The distinguished and Reverend Provost of Eton says, also, 'Where elementary military drill has been established, it has been found to conduce to the discipline and order of the schools, and to maintain the advancement of the scholars, as well as their physical development and improvement.' If further arguments were wanted to show the necessity of some such regular and systematic effort to give to the rising generation a proper form and physique, we could cite the melancholy array of physical disqualifications brought to light so abundantly in the recent national drafts. Our army hospitals, too, proclaim loudly the same mortifying record of disability from exhaustion and disease, in an overwhelming ratio over that resulting from wounds and accidents; and this, too, in an army remarkable for the completeness of its sanitary regulations, and the number and severity of its conflicts in battle. The fact is indeed undeniable that physical degeneracy is one of the characteristics of our people.

"Upon general hygienic principles, therefore, as well as from the knowledge of the beneficial effects of the plan upon the other studies of the pupils, so far as it has been tested—upon the belief that too little of well directed and systematic physical discipline has been, and still is, the great and crying evil of our system of public school instruction in Boston, in Massachusetts, and in New England, and, finally, upon the grounds of a broad nationality and of patriotism, we are disposed to concur in the opinions of the special committee upon this subject, so far as relates to the introduction of elementary military drill and physical culture, as above presented."

### MORAL TRAINING.

That moral training is an important part of public school education, no one will deny; and that it receives all the attention which its importance demands, few will affirm. It has been openly charged by the enemies of the system that no attention whatever is given to moral and religious culture in the public schools. This charge is most frequently made by those who confound moral training with teaching the catechism, and religious culture with instruction in church creeds.

Now, the moral faculties of the child, like the intellectual, need daily development from the feeble germs of childhood. We do not expect a

little child to learn arithmetic or grammar by repeating rules and formulas; neither ought we to suppose that the same child will appreciate, understand, and assimilate, the great foundation principles of right and wrong which should be its rule of action through life by the mere process of repeating mottoes, maxims, or commandments.

It is not enough to tell children it is wicked to lie, or to make them commit to memory the commandment forbidding it; the enormity of the offence must be pressed home by familiar illustrations, by simple stories or anecdotes, until their feeble moral powers can comprehend its meanness and its wickedness. The moral faculties, like the intellectual, are of slow growth; they need daily culture until the habit of right thinking and right doing is formed. There are evil tendencies in the child's nature to be repressed; there are the germs of good qualities to be warmed into life and quickened in their growth; and this is the work of skilful teachers during many years.

Abstract doctrines of religious belief will never do this. The moral nature grows with the intellectual—as knowledge dawns upon the mind, so comes the distinction between right and wrong. Any teacher who should attempt to make his pupils thoroughly understand cube root by committing to memory the rule without performing a single example under it, or who should attempt to teach them a knowledge of grammar by requiring them to memorize all the rules, without writing or speaking a word, would be far wiser than he who attempts to develop the moral natures of children by formal precepts alone. It is not the best way to make a boy honest to require him to repeat, "Thou shalt not steal," from morning till night, neither is it the surest way to fortify him against a habit of profanity simply by telling him it is wicked to swear. Hundreds of parents have found this out to their sorrow. The form is too often mistaken for the reality, and the shadow for the substance.

Simply reading the Bible in schools may be an aid to moral training, but is no substitute for it. The vital point is, not whether the Bible shall or shall not be read, but whether the dormant germs of moral and religious life shall be warmed and quickened by the soul of the teacher. In the European denominational schools great stress is placed on committing catechisms to memory. The results have not been very satisfactory. Horace Mann once asked one of the catechism teachers in England, "Do you ever give a lesson in honesty?" "Oh, no; that isn't necessary; it is all contained in the catechism—that is all they need."

The difference between the English and the Douay version of the Scriptures, about which there has been so much contention, makes no essential difference in human nature, or in the great principles which underlie all morality and all religion.

Do the public schools make any provision for moral culture, and if so, what is it? The State Board of Education has placed on the State series of text books Cowdery's Moral Lessons, to be used in school by teachers. It seems a little strange, when so much attention has been given to text books in all school studies, that there is only *one* little work on morals adapted to the minds of children; and based on philosophical principles of development. Of larger works in ethics there are many, but this little book of Cowdery's seems to be the only text book suitable for use in schools of the lower grades. It contains some thirty lessons on manners and morals, each lesson having a maxim, which is illustrated by



stories or anecdotes, followed by questions on the principle inculcated. The following are the subjects of the lessons:

1. Do unto others as you would have others do to you.
2. Repay all injuries with kindness.
3. A little wrong done to another is great wrong done to ourselves.
4. The noblest courage is the courage to do right.
5. Be slow to promise, but sure to perform.
6. Honor thy father and thy mother.
7. Think the truth; speak the truth; act the truth.
8. Do good to all as you have opportunity.
9. Speak evil of no one.
10. Carefully listen to conscience, and always obey its commands.
11. We must forgive all injuries, as we hope to be forgiven.
12. Learn to help one another.
13. The greatest conqueror is the self-conqueror.
14. Swear not at all.
15. Be faithful to every trust.
16. Be neat.
17. Right actions should spring from right motives.
18. Labor conquers all things.
19. Be honest in "little things," upright in all things.
20. A person is known by the company he keeps.
21. Learn to deny yourself.
22. Live usefully.
23. Be kind to the unfortunate.
24. Do right and fear not.
25. Be patient and hopeful.
26. Be merciful to animals.
27. It is better to suffer wrong than to do wrong.
28. It is more blessed to give than to receive.
29. Think no thoughts that you would blush to express in words.
30. Live innocently if you would live happily.
31. We must learn to love others as we love ourselves.
32. The good alone are great.

Willson's Readers are adopted in the State Series. Are they destitute of "moral lessons?" Turning to the pages of the Second Reader, designed for primary schools, I find such lessons as these:

Never tell a lie;	Story of the railroad thief;
God is near;	Don't kill the birds;
Man and his Maker;	The angry man;
Lazy Slokins, the schoolboy—the	Work and play;
drunkard—the thief;	Praise ye the Lord;
The works of God;	The Ten Commandments.

Are not these the best kind of "moral lessons?" The Third Reader for the next higher grade of pupils, contains the following reading lessons, among many others of a like nature:

My mother's Bible;	Joseph and his brethren;
The Creation;	The story of Moses;
The beginning of sin;	David and Goliath;
Cain and Abel;	David, Saul, and Jonathan;

The flood;  
The Ark and the dove;  
Abraham and Lot;  
Abraham offering Isaac;  
Isaac and Rebecca;  
Jacob and Esau;

Solomon the wise king;  
Solomon's Proverbs;  
Be honest, and dare to tell the truth;  
Idleness and industry compared;  
Honesty is the best policy;  
The first temptation.

Here are found the most instructive and interesting stories of the Bible, told to children in a pleasing and simple style. Are the public schools any more "godless" than those in which the New England catechism, the Catholic catechism, or the Episcopal catechism, all containing a skeleton of church creeds, are learned by rote, without reference to understanding? Yet zealots and bigots cry out against the public schools that they do not teach the existence of a God, that they do not give instruction in the principles of morality, that they do not recognize the truth of the Bible. These illustrations are sufficient to refute the charge that the public schools pay no attention to moral instruction.

Another objection more frequently brought against the public schools is the fact that they contain the children of the "lower classes," who, not having been well trained at home, practice the juvenile vices, such as lying and swearing, and so corrupt other children. Are the private and select schools free from vicious children? Indeed, are not the children of the "higher classes," so called, quite as often found addicted to bad habits as the children of the poor? Fortunate for society is it that the public school, with all its healthful influences, is open to the vicious, for their reformation; to the coarse, for their refinement; to the poor, for their elevation. Children cannot be brought up in utter ignorance of lying, stealing, profanity, and vulgarity; the true training is that which gives them positive strength to resist temptation. A boy educated at home, shut out from intercourse with all other boys until the age of manhood, would be far more likely, when he went out into the world, to fall into evil ways than a boy who had stood the test of a large public school, under proper home influences.

Admitting that vicious children are found in the public schools, can it be proved that they are not also in the private schools, and in the most select of the select schools? Is the tone of morality in those institutions of the "higher classes" any higher than in the common schools of the people? Admit that the public schools do not give sufficient attention to positive lessons in morals and manners, are the private schools and seminaries without fault in this respect? Are there no church schools in which daily instruction in the duties of practical morality is sacrificed to catechisms and creeds? Do parents in their own homes teach their children religion and morality? Is the Bible read daily, and prayer offered in the home circles of some of those who contend the most fiercely for forcing it on the children of others?

It must not be forgotten that the first great object of the public school is intellectual training; and it ought to be remembered, always, that the home circle is the proper place for religious and moral instruction. The schools can never supply the lack of home culture.

Concerning the importance of moral training in schools, I quote the following beautiful and eloquent extracts from the opening and closing paragraphs of a lecture delivered by George W. Minns before the State Teachers' Institute at Sacramento, in eighteen hundred and sixty-two:

"The fervent prayer which every parent offers is, that whatever poverty, destitution, pain, or misery, his children may be called upon to bear, God will mercifully grant that they may preserve their purity, and all be found at last worthy to be reunited in the kingdom prepared for the just, beyond the grave.

The faithful teacher, occupying as he does, for a time, the parent's place, must feel a similar anxiety, as he looks round upon those placed under his charge. His situation is inferior in responsibility only to that of the parent. Indeed, since so many parents neglect their duty in this respect, his influence upon those who continue for any length of time under his charge, is probably not surpassed by that of any other class of men in the community. He must often seriously ask what will be the lot of those committed to his trust. Could the veil with which Heaven conceals the future be removed, should he behold this noble and ingenuous boy with heart full of aspirations after all excellence, still rising higher and higher, or would he have descended from the lofty heights of honorable renown, and become dishonored, degraded, and corrupt? This fair girl, with the light of Heaven in her eye, and its purity surrounding her as with an atmosphere of holiness, would she be seen still the same in her spotlessness and innocence, or would the light be extinguished, the glory have departed, and nothing remain but the wreck of what was once so lovely and so promising? It is related that an Eastern prince once offered a prize to be given to the most beautiful boy in all his dominions. Many were presented for the premium, but it was bestowed, by acclamation, upon one for his transcendent and angelic loveliness. So beautiful a boy had never been seen upon the earth before. Some years after the same prince again offered a prize—but this time it was for the ugliest man to be found in all his possessions. Diligent search was made; many exhibited themselves to view, of all kinds and degrees of ugliness, but among them it was difficult to make a choice, until one day there was brought into the royal presence a being, if he could be called man, so hideous, so loathsome, so bestial, that the people shuddered while they gazed upon him. Sin had stamped its polluting mark upon every feature; from every wrinkle in that horrible face stared out a vice. Upon inquiry it was ascertained that this frightful and disgusting wretch had been the attractive and lovely boy. A life of intemperance, sensuality, and iniquity, had made the awful change. God save our pupils from any and all the causes tending to produce so terrible an alteration.

"No sincere effort to promote the good of others can be wholly ineffectual. I remember the kindly tones, the pleasant face, the affectionate warning, and the cheering words of encouragement of a teacher under whose care I was placed when a small boy. The influence which he exerted upon me will, I think, be felt forever; and it is an influence always leading to right. I shall never forget him. How often do I see him in imagination! He is living at the present time, and if he knew that I have been thinking and speaking of him to-day to an audience of teachers upon the distant Pacific coast, his first emotion would be that of surprise that I still think of him after the lapse of so many years; the second would be a thrill of joyful gratitude to God that his counsels had made so deep an impression upon the minds of his old scholars that he had been remembered with esteem and affection.

"May our efforts be such in relation to all who may be entrusted to our care that hereafter, wherever the lot of our pupils may be cast upon the broad earth, they may look back upon the schoolhouse which they

attended, as the place where they received, besides all useful learning, a love for all that is good, pure, and honorable, which has never left them, but exerts an abiding influence on their characters. So shall your memory be ever kept green in their hearts; so shall your faithful efforts be blessed in their lives."

Honorable Newton Bateman, of Illinois, thus presents the same subject:

"In our effort to escape from the imaginary danger of Puritan rigor, we have drifted steadily towards the real peril of unbridled license. Where is the simple truthfulness, the tender conscientiousness, that should make beautiful the lives of our children? What precociousness in vice, what defiant spurning of moral restraints, do we find at the fireside and in the schoolroom. What eye now moistens at the touching story of George Washington and his little hatchet?

"What are our public schools doing to arrest this destructive tendency? Are educational men sensible of their responsibility in this matter? Can that culture be complete, can it be *safe*, which ignores the moral nature? Is it not practicable to bring the school children of the State more directly and more powerfully under the influence of right moral ideas and principles? Is it not a *necessity*? Have we any security at all, without this, that they will become upright and virtuous citizens?

"Let it not be said that what is here recommended would conflict with the undoubted right of each individual to prescribe what sentiments shall be imparted to his children in matters of religious faith. Nothing sectarian should find a place in the instruction of our public schools. But the moral and preceptive parts of the Gospels are *not* sectarian. If they are, then charity is sectarian, forgiveness is sectarian, purity is sectarian, forbearance is sectarian, all things lovely and of good report are sectarian, earth, air, fire, water, sun, moon, stars, and heaven itself are sectarian, and nothing is left for humanity at large but the devil."

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"It should be proclaimed in every school that there are original, immutable, and indestructible maxims of moral rectitude—great lights in the firmament of the soul—which no circumstances can affect, no sophistry obliterate; that to this eternal standard every individual of the race is bound to conform, and that by it the conduct of every man shall be adjudged. It should be proclaimed that dishonesty, fraud, and falsehood are as despicable and criminal in the most exalted stations as in the most obscure, in politics as in business; that the demagogue who tells a lie to gain a vote is as infamous as the peddler who tells one to gain a penny; that an editor who wantonly maligns an opponent for the benefit of his party, is as vile as the perjured hireling who slanders his neighbor for pay; that the corporation or the man who spawns by the thousand his worthless promises to pay, under the name of banking, *knowing* them to be worthless, is as guilty of obtaining money under false pretences as the acknowledged rogue who is incarcerated for the same thing under the name of swindling; that the contractor who defrauds the Government, under cover of the technicalities of the law, is as much a *thief* as he who deliberately and knowingly appropriates to his own use the property of another.

"In a word, let it be impressed in all our schools that the vocabulary of heaven has but *one word* for each wilful infraction of the moral code, and that no pretexts or subterfuges or sophistries of men can soften the import or lessen the guilt which that word conveys. Tell the school

children that the deliberate falsifier of the truth is a *liar*, whether it be the prince on his throne or the beggar on his dunghill; whether it be by diplomatists for reasons of state, or by *chiffonniers* for the possession of the rags in the gutter. Tell them that he who obtains money or goods under false pretences is a *swindler*, no more or less, be the man and the circumstances what they may. Tell them that he who irreverently uses the name of the Deity is a *blasphemer*, whether he be a Congressman or a scullion. Tell them that he who habitually drinks intoxicating liquors to excess is a *drunkard*, whether it be from goblets of gold in the palatial saloon, or from tin cups in a grog shop. Tell them that he who speaks lightly or sneeringly of the honor of woman is a *calumniator*, be his pretensions to gentility what they may. And so with the whole catalogue of vices and crimes, till the line of demarcation between good and evil shall be graven so deeply upon the mind and conscience that it can never be obliterated.

"Let our public schools do this, and the life-giving influence shall be felt through every vein and artery of the body politic. A divine fire will be kindled that shall purge the foul channels of business, finance, and politics, and consume the subtle network of sophistries like stubble. Let our public schools do this, and a generation of men shall come upon the field of active life who will bring back, in the administration of public and private affairs, the purer days of the republic—men in whom the high crimes and misdemeanors, the frauds and peculations, which now disgrace and ruin the country, shall be unknown."

### THE BIBLE IN THE PUBLIC SCHOOLS.

Concerning the use of the Bible in public schools, there is a wide diversity of opinion. By some it is held that the Bible should be placed in the hands of children, and used as a daily reading book; by some, that it should be used by the teacher only, for reading short select passages; and by others, that it should not be read at all.

Custom differs in different cities and States. The fact that no State school law in any State contains any statutory clause requiring the use of the Bible in school, would seem to indicate that legislators have had doubts as to the right of the State to compel its use without conflicting with the religious liberty of its citizens.

The Jew sends his children to the public school; and he holds the reading of the New Testament, which according to his religious convictions is a fable, to be an interference with religious liberty. The Catholic objects to the old English translation of the Scriptures, and the Protestant to the Douay version. Therefore the decision of this question has wisely been left to local Boards and Trustees, who are supposed to represent the more immediate wishes of the people whose children attend school.

The school regulations of San Francisco *allow* the daily reading of the Bible by the teacher, without note or comment, as a devotional exercise, but do not compel it; and in the schools of the State generally, teachers who desire to read select passages of the Scriptures in school, are not interfered with by either Trustees or parents. Both teachers and Trustees have had too much good sense to attempt to force the daily reading

of the Bible, when it would offend the religious prejudices or convictions of any large class of parents whose children attend the public schools.

Every formal resolution to make the Bible a text book in the common school has been voted down in every State Institute and Convention; yet many of the same teachers who so voted, were accustomed to read the Bible in school every day. The result is, that the Bible is read in many schools without exciting any objections; when, if the abstract question were agitated, endless dissensions would have been excited. The history of the world proves the folly of legislating on religious convictions and opinions. If a teacher be not prompted by his own sense of duty, and his own practical piety, to read the Bible, or open his school with prayer, is it reasonable to suppose that any compulsory devotional exercise would be anything more than a form? And if the parents of any large number of pupils in school object to the daily reading of the Bible, cannot a pious teacher dispense with the form, and yet teach with the spirit? The readers are full of Bible stories, to which none can object; the text books contain the great foundation principles of christian morality drawn from the Bible; and if the teacher be a man whose daily life is an exemplification of all christian virtues, his example will be stronger than formal precepts, in training children to reverence God, to do right, and to practice the virtues of industry, sobriety, truth, chastity, and purity. It is the *manner* of reading the Bible in school, and not the fact of its being read, which is the measure of its influence. I remember with regret the careless levity with which the scholars of the little school I attended when a boy, "read round" in the Bible every morning, and it was fortunate for me that the irreverent spirit of school devotions was counteracted by family worship at home. Better a thousand times no reading, than that accompanied by irreverence and inattention.

The present is an age of the largest and broadest personal liberty of religious opinion; the children of all classes are found in the common schools; and school officers and teachers should manifest a tender regard for the religious scruples of both Jew and Gentile, Protestant and Catholic, and hold the schools free from any violation of the great principles guaranteed by the National and State Constitutions, that every man be left free to worship God as he pleases, and to teach his children his own religious faith.

The great purpose of the common school is intellectual culture, as a foundation of moral and religious education; for without intelligence, religion degenerates into bigotry. It is left for the home, the Sunday school, and the church to teach forms of religious faith and worship. If each does its work without interference with the other, the result will be harmonious. If the church attempts to make the public school both a church school and a Sunday school, the result will be disastrous. I cannot better close this subject than by presenting the full and conclusive summary made by Hon. Anson Smyth, of Ohio, in one of his reports:

Has a teacher the legal right to open his school with prayer?

On this extremely delicate and important matter I have not been able to find any decision of the Supreme Court of this State. But in the State of New York it has been decided, under a school law similar to that of this State, that "teachers may open and close their school with prayer and the reading of the scriptures, provided they take care to avoid all controverted points or sectarian dogmas."

In some States it has been held that teachers cannot claim this right

as a matter of course, but that school officers may, in the exercise of a sound discretion, permit them to open and close their schools with prayer, provided the inhabitants of the district do not seriously object, and provided also that the harmony of the district would not seriously be disturbed thereby.

If the teacher in his prayers avoids all sectarian dogmas, and does not improperly consume time, I do not see why he may not be permitted to do what he believes to be his conscientious duty for the welfare of those committed to his charge, by appropriately invoking the blessings of God upon his important and responsible labors, as by properly addressing or lecturing his pupils upon the importance of a strict adherence to the principles of truth, justice, and morality.

But the teacher should not insist on this privilege, nor should the local Directors grant it, in cases where it would create dissatisfaction in the district, or induce a portion of the inhabitants to withdraw their children from school, because of *sincere* conscientious scruples on the subject.

The question as to the right of opening a school with prayer is one of great delicacy, and should be treated accordingly. In a matter of such grave character, involving the interests of religion, the freedom of conscience, and a sense of duty, school officers, teachers, and the inhabitants generally, should exercise great forbearance and a spirit of conciliation. John C. Spencer, one of the most distinguished jurists in the State of New York, while acting as Superintendent of Common Schools in that State, decided a similar question as follows, viz.: "Prayers cannot form any part of the school exercises, or be regulated by the school discipline. If had at all, they should be had before the usual hour of commencing school in the morning, and after the hour of closing school in the afternoon. If any parents are desirous of habituating their children to the practice of thanking their Creator for his protection during the night, and invoking his blessings on the labors of the day, they have a right to place them under the charge of the teacher for that purpose. But neither they nor the teacher have any authority to compel the children of other parents, who object to the practice, from dislike of the individual or his creed, or from any other cause, to unite in such prayers.

"And, on the other hand, the latter have no right to obstruct the former in the discharge of what they deem a sacred duty. Both parties have rights; and it is only by a mutual and reciprocal regard by each of the rights of the other, that peace can be maintained, or a school flourish. The teacher may assemble in his schoolroom, before nine o'clock, the children of those parents who desire him to conduct religious exercises for them; and the children of those who object to the practice will be allowed to retire or absent themselves from the room. If they persist in remaining there, they must conduct with the decorum and propriety becoming the occasion. If they do not so conduct, they may be dealt with as intruders."

In the same State, it was held by General John A. Dix, an eminent statesman and jurist, that "the teacher of a school may open it with prayer, provided he does not encroach on the hours allotted for instruction, and provided the attendance of the scholars is not exacted as a matter of school discipline."

In a case which came before Henry S. Randall, Superintendent, and which set forth that in a certain common school "the religion and faith of Catholic children were interfered with by their being compelled to 'join in prayers,' and 'to read and commit' portions of a version of the Bible which the Catholic Church disapproves," he says: "In theory, I

have never been able to doubt that intellectual and religious instruction should go hand in hand. To divorce them entirely, and to bestow attention on the former only, is to draw forth and add to the powers of the mind, without giving any moral helm to guide it; in other words, it is to increase the capacity without diminishing the propensity to do evil. To banish religious education from the schools is, in a multitude of instances, to consign it to the care of the vicious, the ignorant, the careless, or those who feel that they have no time to attend to it. The placing of it in its natural connection with intellectual education in the schoolroom, has met, however, in our country, with serious practical obstacles.

"The government, not relying on the ability or willingness of every part of the State to maintain efficient schools for the education of the young, by voluntary contributions, and recognizing the imperative necessity of universal education for the maintenance of our civil and political institutions, organized a general common school system, and made provisions to aid those sending to school, in sustaining it by the payment of a large sum annually from the Treasury. To prevent this money from being misapplied, it prescribes the conditions on which it shall be received and expended; and it created a special State officer, with administrative and judicial powers, to carry out and enforce the system. The common schools were thus clearly made a government institution. To introduce into them, or permit to be introduced into them, a course of religious instruction conformable to the views of any religious denomination, would be tantamount to the adoption of a government religion—a step contrary to the Constitution and equally at variance with the policy of a free government and the wishes of the people. To form for the schools a course of instruction which could bear the name of a religious one, and which would meet the views of all, was manifestly impossible. To give every sect a pro rata share of the school moneys to enable it to support its own schools, and teach its own system of religious faith in them, would be to divide into a dozen or more schools the children within the territory convenient for attendance on a single school, and in which the support of all the inhabitants is frequently scarcely adequate, with the aid of the public moneys, to sustain a single efficient school. Indeed, under this arrangement, a single indigent family would often be required to support its own school, to go without any, or to violate its conscience by joining with others in one in which a religious system was taught wholly at variance with its own. There are other reasons which have gone to convince the public mind of the impracticability of carrying out such a plan so as to attain the object sought—the education of *all* the people—which do not require enumeration.

"In view of the above facts, the position was early, distinctly, and almost universally taken by our statesmen, legislators, and prominent friends of education—men of the warmest religious zeal, and belonging to every religious sect—that the instruction in our public schools should be limited to that ordinarily included under the head of intellectual culture, and to the inculcation of those general principles of morality in which all sects, and good men belonging to no sect, can equally agree.

"We have seen that even prayer—that morning and evening duty which a man owes to his Creator—which even the pagan and savage do not withhold from the gods of their blinded devotion—which conducted in any proper spirit, is no more sectarian than that homage which constantly goes up from all nature, animate and inanimate, to the bountiful

giver of all things—has been decided by two eminent jurists as inadmissible as a school exercise within the school hours, when seriously and conscientiously objected to by any portion of the inhabitants of a school district.

"This decision has been acquiesced in without a murmur, by the whole religious public. The intelligent religious public have felt that there was no middle tenable ground between religious instruction—strictly so called—in our common schools, and the broadest toleration.

"Compelled by circumstances to adopt the latter position, they have embraced it in its most comprehensive import, and have nerved themselves to the task of supplying a lamentable omission in the public schools, by increased assiduity to the spiritual wants of their offspring in the family circle, in the Sunday school, and in the church. In our crowded cities, where poverty sinks to its lowest ebb, and vice puts on its most unmitigated forms, where multitudes of children would receive no religious instruction from or through the instrumentality of their parents, voluntary church and individual organizations are putting forth their endeavors to supply such instruction. Many, doubtless, are not reached by these efforts; nor would they be reached if religion was taught in the common schools, for the children of the extremely poor and the vicious oftentimes could not or would not attend them."

Believing that the foregoing opinions and decisions may now be regarded as the well settled rule in the premises, and that they are founded on principles of equity, and in accordance with that spirit of entire religious toleration which characterizes our Constitution and laws, and which ought to characterize every institution founded by the State, I feel no inclination to gainsay them.

Let it be distinctly understood, however, that if no objections are raised against religious exercises in school, if the exercises are of reasonable length, and if the teacher takes care to avoid the discussion of all controverted points, or sectarian dogmas, he may conduct those exercises during school hours.

### SCHOOL DISCIPLINE.

The foundation of all good schools is good government and subordination. As a general rule, the discipline maintained in the public schools of the State is strict without being severe.

Yet, to maintain an ordinary degree of good government, costs the teachers, in many communities, a great deal of trouble, vexation, and annoyance. In schools where the discipline is lax, the fault rests mainly with the parents. Generally, when fathers and mothers cannot govern their children at home, they object to having them governed by the teacher at school. We look in vain to find, at the present time, in this State, that salutary parental authority under which the present generation of fathers and mothers were brought up. Say what we may about the rigid Puritanic fireside training, it raised up men and women who feared God and obeyed the laws, and worked for their living. Then parents governed children; now, headstrong boys lord it over weak and tender parents. The greatest difficulty the schools have to contend with

is the lack of a hearty co-operation by parents with the teacher in enforcing strict, rigid, exact, and unswerving obedience.

Judicious severity is, in the end, the truest kindness. Utopian systems of government, without punishment, never yet existed, and never will, except in imagination. Fear of punishment is a law of nature. Many parents object to delegating to the teacher the parental right of inflicting punishment; some even doubt their own right, and settle quietly down into a state of passive non-resistance to their turbulent progeny. Were human nature divested of its animal attributes and passions, could it exist in a purely spiritual state, this fine-spun transcendental philosophy of the law of love might hold true; but unfortunately, man's animal nature too often controls his moral, and spurs the restraints of his intellectual faculties; passion sways reason, and impulse rules principle.

In a public school of a hundred children some have been reared under restraining home influences; the life of others has been a moral blight; some have been petted and indulged, until every capricious whim has become a household law; some have graduated in the street schools of cities and villages, adepts in all its varied "accomplishments" of profanity and obscenity; others have learned that courage consists in bullying smaller boys, and manliness in whipping larger ones; others scorn all authority, parental and divine. Is it to be for an instant supposed that these pupils, with their varied characters and dispositions, can suddenly be transformed into mild, kind, peaceable, order loving scholars, without resort to other means than smiles and gentle words?

When the moral faculties have been once warmed into life, then kindness and moral suasion will control; just as the wild horse, once broken in by a strong arm, can be led by a little child.

Teachers have a right to expect that parents will co-operate with them in enforcing a school discipline in accordance with the dictates of common sense. The greatest lesson which the child has to learn in life is that of self-government, and if he cannot govern himself, the strong hand of power and punishment must be laid upon him, to remind him of duty and compel him to do it.

Most parents who bring up a family of children find it necessary, sometimes, to resort to bodily punishment, and most teachers, who govern their schools, must resort in extreme cases to corporal punishment.

Occasionally a teacher can be found of such strong personal magnetism, force of character, and moral power, that he can govern well without ever resorting to physical punishments. Such a government is the highest and best type of school discipline. But, generally, schools governed by professed moral suasionists, are governed by the pupils in a very loose way. I do not wish to be understood as advocating any general resort to indiscriminate "thrashing," "flogging," or "whipping," in school. The school registers of San Francisco, for ten years, will bear witness that punishment was seldom inflicted in the public school under my control; but I do wish to enforce upon both teachers and parents the necessity of establishing government and discipline in school, at all hazards and at all sacrifices of feeling. The power to govern is the first great qualification of a successful public school teacher.

Without further arguing the question of school discipline, I substantiate the opinions expressed by quoting from some of the ablest reports of other States.

The State Board of Education of Massachusetts, in their report for eighteen hundred and sixty-four, speak as follows:

"There are two extremes in the management of children—one in the line of corporal punishment, the other in that of moral suasion—which are alike to be avoided. An excess of beating was the special vice of former ages. The strong reaction of public sentiment was sometimes carried to the injudicious extreme of totally discarding the ferule and the rod. Love is the power which was thought to be omnipotent in control. In later years a healthful medium has been more generally attained. But either because the tendency to the old system of flogging has been increasing, or from other reasons, the subject has come up again in some quarters for renewed discussion. The Board are not of the opinion that scolding and beating are the most efficient modes of government; nor do they believe that large numbers of children can be permanently controlled by any measure of mere love and tact which the largest hearted teacher may possess. There is an infinite love ever yearning over man, but its influence has never yet of itself alone been paramount over the race. In the arrangements of Providence, law, penalty meets us wherever we go. No wisdom or moral force in rulers or administrations were ever sufficient of themselves to sustain an orderly government. Nations, States, armies, navies, need compulsion as well as advice and persuasion. They must be under government, and 'influence,' as Washington said, 'is not government.' If this be true of men, it is especially true of children, who are only men of smaller growth, and more unformed and undisciplined. If a few of them can for a time be managed by a head full of expedients, and a great heart of patience and affection, and where little else beyond management is attempted, masses of them together, if progress is expected, must feel the presence of authority and the influence of fear. It is moreover well for children that they should learn to obey and submit themselves, without questioning, to legitimate rule."

Another report says:

"On the discipline of a school, as of a family, or of an army, hangs its welfare, its efficiency, and its success. A person who can teach accurately and thoroughly cannot claim the first rank among teachers, unless he can also awaken and sustain the enthusiasm of his pupils, and at the same time keep them in the most respectful subordination, cheerfully submissive to his authority, and actively obedient to his will. To bring a school into this very desirable condition, the teacher must be clothed with all needful authority, and be authorized to enforce it when necessary by such means as a wise, firm, and affectionate parent may properly use in disciplining a perverse, stubborn, and disobedient child.

"The results of the modern attempts to banish corporal punishment from the family and the school, or to abolish it altogether, have not been flattering to the philosophers who have so strenuously advocated it. Instances are daily brought to our notice, such as would convince the most skeptical, if they are honest, that among all the improvements and inventions of the last three thousand years, no adequate and satisfactory substitute for 'the rod of correction' has been discovered."

The Rhode Island Report thus alludes to it:

"Submission to authority is the initial point in all moral discipline; and no teacher worthy of the name, has failed to perceive how directly the moral and intellectual natures of children sympathize with each other, and react the one upon the other. Children, like men, delight in having their own way, in yielding to the impulse of their own wills; not always, perhaps not generally, at first, because they are viciously inclined, or find pleasure in disobedience, as such; but the habit once established is fatal. The will becomes the master, and is then a tyrant. All power of self-control has departed. They are the easy victims of depraved appetites and vicious indulgencies, without strength of purpose or capacity for anything but evil—a dangerous element in a free republic. The history of the last few years demonstrates that we have already an abundant supply of it. There is a false impression both with parents and children, that this process of disciplining the will is humbling if not debasing to the child—that there is something of dignity and manliness in the free license of a strong impulsive will. The vulgar boast, 'you may win, but you cannot drive me,' is proof of this, flaunted by the child and too often approved by the parent. It is taken as an evidence of strength. Precisely the reverse is true. It is an evidence of weakness—for rightly interpreted what does it declare? 'I am weak enough to be wheedled by your arts, but I have not strength of purpose enough to subject my will to rightful authority.' 'I am feeble enough to allow my caprice to supplant my good sense; but I am not strong enough to compel my convictions of right to wrestle with and overcome my stubborn impulses.'

"Besides, in securing a habit of prompt and cheerful obedience, there is at the same time secured to the child a habit of self-control, which will do more towards insuring a rapid moral and intellectual training than any other one thing. *It is the item to be insisted on.* How different would be the condition of our schools to-day, had not parents so sadly failed of their duty in this regard. This duty is not always easy—it is not always pleasant. There is no duty that is *always* so; but it should be remembered, *that it is the very highest moral attainment, when we come to do our duty, because it is our duty.*"

Honorable Newton Bateman thus eloquently and ably treats the subject:

"But however antagonistic in theory, and in their ordinary modes of action, there is a maxim which all governments must of necessity hold in common. It is this: *Coercion, in the last resort—force, when all other means fail.* First the olive branch, at last the sword. When incorrigible iniquity and crime have finished their course, inexorable justice demands that her uplifted axe shall fall.

"No human government ever did or can exist upon any other hypothesis. Its ministers *must* be clothed with the means of enforcing the claims of justice. The majesty of the law must be vindicated. It requires absolute and unequivocal obedience—it can require no less. When guilt and crime force the issue, from the folds of her peaceful ermine leaps forth the naked sword—the soft hand that writes the verdict must be mailed with steel for its execution. There is no alternative—there can be none. The mandate must be obeyed, or the government dies. In civil governments, since the world began, the doctrine of *moral suasion only*, belongs to Utopia, not to history.

"And is it not time that this dangerous fallacy were banished from our educational policy also? Can that doctrine be safe for the school which



is fatal to the State? Is it the way to make good citizens, to instill principles in the schoolroom which are at war with the cardinal ideas of civil government? Do we not need a truer and sterner philosophy on this subject? Are not the times upon which we have fallen, fearfully suggestive?

"It seems to me that this matter is of so fundamental a character, and so serious in its bearings upon the present and future of our schools and of our country, as to justify an earnest examination.

"By many good men and eminent teachers the rod\* is wholly excluded from the precincts of the schoolroom; force is never to be resorted to; the ordeal of physical suffering is peremptorily denied a place in the catalogue of allowable disciplinary school agencies. Now, why is this? Is it founded in a really sounder and deeper philosophy of human nature; or is it a mere Utopian theory, a morbid sentimentalism? Have the organic tendencies of the race changed, or have we drifted from the moorings of God and nature, out upon the shoreless sea of experiment, in pursuit of the ever-receding phantom of human perfectibility?

"Has society improved under the new theory of the cause and cure of human depravity? Are the children of this generation gentler and better than those of the last? Are the communities and schools where the doctrine of moral suasion only has reigned supreme, better than others? More orderly and docile than others? Did that illustrious teacher and scholar who did so much to inaugurate the new theory of school government in this country, and who defended it by the blinding splendors of his matchless rhetoric, and pushed it to such general acceptance in New England, against the judgment and conscience and settled convictions of the people, by the onset of his eloquence and the resistless vehemence of his appeals—did he succeed, when he came to reduce his theory to practice? The great, tender, yearning heart of him to whom I refer has ceased to beat; his wonderful intellect has passed to the sphere of eternal expansion, and when his body was laid in the dust, I felt, with thousands of others, that I had lost a friend and brother, and that a great and good man had gone to his rest. But I felt, too, that in this matter a great man had made a great mistake. That not even his genius and power could stem the tide of universal experience, change the organic instincts of the race, and break through the decrees of God.

"OBEDIENCE is the law of God's universe; the inexorable decree of his providence. And evermore in the background of his love and mercy to the docile and penitent, hangs the cloud of destruction to the incorrigibly guilty. Retribution waits upon invitation. Behind all Jehovah's dealings with angels, men, and devils, there lingers an immutable, inexorable, eternal, MUST. Obey and live, refuse and perish, is the epitome of God's natural and spiritual economy. It rules in the moral and material worlds; in the destinies of individuals, of nations, and of the race.

"Who can say that among the germinal concurrent causes that have precipitated the great rebellion, the wide-spread theory that moral force alone should be employed in the family, the schoolroom, and by logical inference, in the government itself, has not played an important part?

"Children rebel; the parents persuade; the rebellion continues; the rod is not invoked; *punishment* would not be in accordance with the 'spirit of the age!'—the children only want 'to be let alone.'

"Pupils rebel; the teacher admonishes—appeals to their sense of honor and right, to their conscience and moral sense; the rebellion continues

the rod sleeps, punishment is withheld; the enlightened sentiment of the age must not be outraged!—the pupils only wish 'to be let alone.'

"Eleven States rebel and defy the authority of the Government. The Government implores—points to her kindness and protection in the past, pledges a continuance in the future; the rebel States will not listen—they are defiant still—they point their artillery upon Sumter—they threaten war; but amid their parricidal preparations they *deprecate force*. 'Do not punish us, do not coerce us, let us alone—we only want to be let alone.'

"Ah! the theory of moral suasion ends here—the national heart is right again—the heresy is dashed to the ground—a million men spring to arms to *punish* the traitors—God's lesson of *force* is believed and practiced at once—and amid the bursting of bombshells, the bubble of no coercion bursts at once and forever. Thank God, the Government will not let the traitors alone.

"Is there not a *connection* in these cases? Did not the leaven of insubordination begin to work at the fireside and in the schoolroom? Is not the demand of traitors, with perjured lips and bloody hands, to be let alone in their treason, the legitimate outgrowth of such theories and such teachings? Is it not logical? Does it not explain in part the namby-pambyism of even good and loyal men about coercion and subjugation? Could the stern old doctrines of the Bible and of our fathers ever lead to such results? Is it *conceivable* that men deriving their notions of justice and punishment from such sources, should organize armed treason against so mild and good a Government, and then ask to be let alone? They would sooner expect the very earth to open and swallow them up.

"I do not say that these false ideas of parental and school government have been the mainspring of the rebellion; I *do* say that they have cooperated with other causes to hasten the crisis, and to pervert the national mind and conscience as to the enormity of the crime of secession and the true method of dealing with traitors. I do say that such theories and teachings are fundamentally wrong and dangerous, and must issue in disaster to the family, the school, and the State.

I yield to no man in the prominence I would give, do give, to distinctive moral forces in the family, the school, and the State. As a teacher, my use of the rod has been extremely rare. But I have never accepted the dogma that disciplinary school agencies must be *restricted* to non-coercive measures—have never authorized the impression that corporal punishment was interdicted and would in no case be resorted to. Such a declaration would have demoralized my school in a month. On the contrary, I have ever inculcated the doctrine that punishment is the just and righteous penalty of incorrigible disobedience, sanctioned by both divine and human authority, and vital in all governments, parental, school, and civil. If I have had any special success as a teacher, it has been in the department of government—if I succeeded in nothing else, I did succeed in winning the cheerful obedience and cordial affection of my pupils, and none were more devoted and attached than the few with whom I was compelled to be severe.

"Children instinctively assent to the truth of those principles. If their moral training has been at all what it should be, they expect punishment to succeed *persistence* in evil doing, as a *matter of course*, and their sense of right is disappointed, shocked, if it does not come. It seems to me that no sound and healthy moral nature, especially if the

\*The word is used as a generic symbol of any disciplinary forces, other than moral.

Bible and experience have been the guides, can withhold its approbation from such a doctrine.

"Obedience in the family is the invariable assurance of obedience in the school. Obedience in the school makes loyal and obedient citizens of the State. Loyal, patriotic, and obedient States, makes rebellion and treason to the Government impossible. And the doctrine of the righteousness and certainty of ultimate severe punishment for crime and wickedness, is the corner stone of all intelligent and lasting obedience.

"Who can estimate the value of such sentiments deeply rooted in the minds and hearts of the five millions of school children in the loyal States? How sublime is the evidence of the growth and power of such sentiments, imperfectly inculcated as they have been—what a glorious affirmance of the national utility of free schools. Not a State in rebellion to-day that has ever had a system of free schools worthy the name—scarcely a loyal one that does not point with pride to such a system; the line of free schools divides the loyal and rebel States almost as sharply as the different camps of the contending armies.

"No; neither revelation, history, experience, nor mental or moral philosophy, rightly interrogated, can be made to support the theory that force should never, *in the last resort*, be invoked to extort obedience to the demands of just and rightful authority.

"Have these views been inculcated in our public schools with the earnestness and fidelity which their importance demands? Is not insubordination bold and rampant among our youth? Has it not been increasing for years? Having been so long 'sowing the wind,' have we not begun to 'reap the whirlwind?' And does not the harvest give promise of being fruitful and terrific?

"It is in our common schools and families that these ideas of obedience must first be implanted in the mind and heart. We must there seek to en throne in the soul just conceptions of the majesty and dignity of *law*—to inculcate a cordial recognition of the divine supremacy and grandeur of rightful authority. Children will thus be early brought to admit the nobleness, the blessedness of hearty and joyous submission to such authority. They will learn to delight in a full surrender of conscious ignorance and weakness to the guidance of wisdom and strength. They will see in a cheerful subordination to just and duly constituted authority, the highest glory and dignity of man. They will come to repudiate the foolish dogma, so common among the children of this generation, that submission is necessarily degradation; and assent to the truth that when yielded to rightful authority wielded by those lawfully invested therewith, submission is an honor, not a degradation. Thus the habit of reverent allegiance is wrought in the depths of the soul, and the duty of obedience to legitimate, beneficent, human laws, is associated, from early life, with that profound regard which is due from all finite intelligences to the Supreme Governor of the universe."

## RELATION OF TEACHER AND PUPIL.

As questions on this subject are constantly arising in the schools, and as no official decisions have ever been given from this department, and

no cases have been carried to the Supreme Court, I have made, for the convenience of County Superintendents, Teachers, and School Trustees, a brief summary of the rulings and decisions of other States on various points relating to school discipline and the authority of the teacher.

The following is taken, by permission, from a series of carefully prepared papers on pedagogical law, published in the *American Educational Monthly*, one of the most valuable school journals of the United States:

"1. The tutor or schoolmaster has such a portion of the power of the parent to restrain and correct, as may be necessary to answer the purposes for which he was employed. (1 Blackstone, 453.) The power must be temperately exercised, however; and no schoolmaster should feel himself at liberty to administer chastisement co-extensively with the parent, however much the infant delinquent might appear to have deserved it. (3 Barnwall & Alderson's R., 584.)

"2. A parent is justified in correcting a child either corporally or by confinement, and a schoolmaster under whose care and instruction a parent has placed his child, is equally justified in similar correction; but the correction in both cases must be moderate and in a proper manner. A schoolmaster stands *in loco parentis* in relation to the pupils committed to his charge while they are under his care, so far as to enforce obedience to his commands, lawfully given in his capacity of schoolmaster, and he may therefore enforce them by moderate correction. (Com. Dig. Pleader, 3, M. 19; Hawk., c. 60, § 23; and c. 62, § 2; c. 29, § 5.) To use the language of Chief Justice Holt: 'A master may justify the beating of his scholar, if the beating be in the nature of correction only, and with a proper instrument.' (Precedents of Pleas, 2 R. P. C. P., 47-51; Rastall's Eut., 613, pl. 18; 2 Chit. Pl., 553; 9 Wend., 355; Petersdorff, Index, 296.)

"3. The power allowed by law to the parent over the person of the child, may be delegated to a tutor or instructor, the better to accomplish the purpose of education. (2 Kent Com., 205.) A schoolmaster stands *in loco parentis*, and may in proper cases inflict moderate and reasonable chastisement. (The State v. Pendergast, 2 Dev. & Battle, 365.)

"4. A schoolmaster is liable criminally if, in inflicting punishment upon his pupil, he goes beyond the limit of reasonable castigation, and, either in the mode or degree of correction, is guilty of any unreasonable or disproportionate violence or force; and whether the punishment was excessive under the circumstances of any case, is a question for the jury. (Commonwealth v. Randall, 4 Gray, 36; 3 Greenl. on Ev., § 63.)"

## CORPORAL PUNISHMENT.

"1. When the Honorable John A. Dix was Superintendent of Schools for the State of New York he gave the following as his opinion: The practice of inflicting *corporal punishment* upon scholars, *in any case whatever*, has no sanction but usage. The teacher is responsible for maintaining good order, and he must be the judge of the degree and nature of the punishment required when his authority is set at defiance. At the same



time, he is liable to the party injured for any abuse of a prerogative which is wholly derived from custom. (*Superintendent Common Schools Decisions*, 102.)

"2. *The teacher to have the benefit of any reasonable doubt.*—The Supreme Court of Vermont recently gave a very able opinion on this subject, from which we extract the following: A schoolmaster has the right to inflict reasonable corporal punishment. He must exercise reasonable judgment and discretion in determining when to punish and to what extent. In determining upon what is a reasonable punishment various considerations must be regarded—the nature of the offence, the apparent motive and disposition of the offender, the influence of his example and conduct upon others, and the sex, age, size, and strength of the pupil to be punished. Among reasonable persons much difference prevails as to the circumstances which will justify the infliction of punishment, and the extent to which it may properly be administered. On account of this difference of opinion, and the difficulty which exists in determining what is a reasonable punishment, and the advantage which the master has, by being on the spot, to know all the circumstances, the manner, look, tone, gestures of the offender, (which are not always easily described,) and thus to form a correct opinion as to the necessity and extent of the punishment, considerable allowance should be made to the teacher by way of protecting him in the exercise of his discretion. Especially should he have this indulgence when he appears to have acted from good motives, and not from anger or malice. Hence the teacher is not to be held liable on the ground of excess of punishment, unless the punishment is *clearly* excessive, and would be held so in the general judgment of reasonable men. If the punishment be thus clearly excessive, then the master should be held liable for such excess, though he acted from good motives in inflicting the punishment, and, in his own judgment, considered it necessary and not excessive. But if there is any reasonable doubt whether the punishment was excessive, the master should have the benefit of that doubt. (*Lander v. Seaver*, 32 Vermont R., 123; 19 Ib., 108; 4 Gray, 37; 2 Dever. and Bat., 365; 3 Salk. 47; Reeves' Domestic Rel., 374, 375; Wharton's Amer. Crim. Law, 1,259; and 1 Sanders on Pl. and Ev., 144.)"

### PUNISHING FOR MISCONDUCT OUT OF SCHOOL.

The opinion is not unfrequently expressed that the power of the teacher to punish his pupils extends only to acts done in the schoolroom, or on the school playgrounds, and that he has no legal right to inflict punishment, or hold the pupil responsible at school for offences committed on the way to or from school. The opinions of the Courts on this point have been divided; but the weight of authority is in favor of the jurisdiction of the teacher in such cases.

#### COMMON LAW.

The following able summary is taken from one of the best educational journals of the United States, and may be considered as good authority:

"The following opinion will hardly be questioned by any good lawyer, as it is well known in the profession that the Court which delivered it is

one of the ablest in the Union. It appeared from the evidence in the case that about an hour and a half after the scholar reached home in the evening he used insulting language to the teacher in the presence and hearing of other members of the school. The teacher punished the offender the next day in school. Able counsel were engaged on both sides, and as the first decision was not satisfactory, the case was appealed and argued with great ability before the Supreme Court. The Judges all agreed upon the following opinion: There seems to be no reasonable doubt that the supervision and control of the master over the scholar extends from the time he leaves home to go to school till he returns home from school. Most parents would expect and desire that teachers should take care that their children in going to and returning from school should not loiter, or seek evil company, or frequent vicious places of resort. Even after the pupil has reached home, and has been there some time, if he should commit any act of misbehavior which would have a direct and immediate tendency to injure the school and to subvert the master's authority, he may be punished for it in school the next day. The misbehavior must not have merely a remote and indirect tendency to injure the school. All improper conduct or language may perhaps have by influence and example, a remote tendency of that kind. But the tendency of the acts so done out of the teacher's supervision, for which he may punish, must be direct and immediate in their bearing upon the welfare of the school, or the authority of the master and the respect due him. Cases may readily be supposed which lie very near the line, and it will often be difficult to distinguish between the acts which have such an immediate and those which have such a remote tendency. Hence each case must be determined by its peculiar circumstances. Acts done to deface or injure the schoolroom, to destroy the books of scholars, or the books or apparatus for instruction, or the instruments of punishment of the master; language used to other scholars to stir up disorder and insubordination, or heap odium or disgrace upon the master; writings and pictures placed so as to suggest evil and corrupt language, images, and thoughts to the youth who must frequent the school; all such or similar acts tend directly to impair the usefulness of the school, the welfare of the scholars, and the authority of the master. By common consent, and by the universal custom in our New England schools, the master has always been deemed to have the right to punish such offences (even though, as in the present case, they are committed out of school hours.) Such power is essential to the preservation of order, decency, decorum, and good government in schools. (*Lander v. Seaver*, 32 Vermont R., 120.) We cite the foregoing authority with the utmost confidence, and believe it to be entirely correct. But even though the teacher's *right* to punish for misbehavior on the way to and from school is fully established in point of law, yet, on account of the opposition which it meets with in some localities, we think that it should be exercised only when it appears to be absolutely necessary for the welfare of the school; nor then, except upon the most mature reflection and with the utmost discretion. A teacher may refuse entirely to exercise this right; and he will probably fare better even in the Courts than if he had adopted the other course, and had laid himself liable by exercising the right unnecessarily or indiscreetly. The intelligent and conscientious teacher, however, who sees the necessity and acts from good motives and with discretion, need not be deterred from doing his duty, even to the extent of exercising all his rights—this particular one not excepted—and he need not fear the consequences. For as he

will have done but his duty, the Courts of justice will protect him from harm—the most able by fully justifying his acts, and the less enlightened by fining him ‘one cent, and without costs.’”

“GOOD DEPORTMENT IN SCHOOL NOT ENOUGH.

“It was the intention of the Legislature to make the public schools a system of moral training as well as seminaries of learning; and it is as necessary in the unreserved intercourse of pupils of the same school, as well without as within its precincts, to preserve the pure-minded, ingenuous, unsuspecting children of both sexes from the contaminating influence of those of depraved sentiments and vicious propensities and habits, as from those infected with contagious diseases. Consequently, when a teacher expelled a scholar for her immoral practices while at home evenings, his action was sustained by the committee, and afterwards by the Court, although no fault whatever had been found with the girl's conduct in school. (Sherman v. The Inhabitants of Charlestown, 8 Cush., R., 164.)”

PEDAGOGICAL LAW.

“1. *The schoolmaster and the king.*—In school, where the mind is first placed under care to be fitted for the grand purposes of life, the child should be taught to consider his instructor, in many respects, superior to the parent in point of authority. The infant mind early apprehends and distinguishes with a surprising sagacity, and is always more influenced by example than precept. When a parent, therefore, enters the school, and by respectful deportment acknowledges the teacher's authority, the pupil's obedience and love for the master are strengthened; and the principle of subordination is naturally engrafted in the child, and in the most agreeable and effectual manner possible—that is, by the influence of example. It is by this happy conspiracy between the teacher and parent that a new power—a genial influence over the infant mind—is acquired, which is of infinite importance to the welfare and happiness of society. To aim a blow at this power would be to strike at the very basis of *magisterial authority*. It was to support this important element of good government that the learned and judicious schoolmaster said to Charles II, in the plenitude of his power: ‘Sire, pull off thy hat in my school; for if my scholars discover that the king is above me in authority here, they will soon cease to respect me.’ (Morris' Case, 1 City Hall Rec., 55.)

“2. *Every man's house is his castle.*—This old maxim of English law (5 Rep., 92) is as applicable to the schoolmaster as to any other person who is in the lawful possession of a house. It is true that the school officers, as such, have certain rights in the schoolhouse; but the law will not allow even them to interfere with the teacher while he keeps strictly within the line of his duty. Having been legally put in possession, he can hold it for the purposes and the time agreed upon; and no parent, not even the Governor of the State, nor the President of the United States, has any right to enter it and disturb him in the lawful performance of his duties. If persons do so enter, he should order them out; and if they do not go on being requested to do so, he may use such force as is necessary to eject them. And if he finds that he is unable to put them out himself, he may call on others to assist him; and if no more force than is actually necessary to remove the intruders is employed, the law will justify the teacher's act and the acts of those who assisted him.

(Stevens v. Fassett, 27 Maine, 266; 1 City Hall Rec., 55; 2 Met., 23; 6 Barb., 608; 8 T. R., 299; 2 Ro. Abr., 548; 2 Selk., 641; 1 C. & P., 6; 8 T. R., 78; Wharton's Am. Crim. Law, 1,256.)

“3. *The vulgar impression that parents have a legal right to dictate to teachers is entirely erroneous.*—As it would be manifestly improper for the teacher to undertake to dictate to the parents in their own house, so it would be improper for the parents to dictate to him in his, the schoolhouse. Nor does it matter whether the parents own their house, or whether, like the teacher, they only have possession of it for a certain time specified and on certain conditions, and perhaps for certain purposes named in the lease. In either case, the lawful possession is enough. It may be very proper, under certain circumstances, for the teacher to go to the house of the parents for an explanation, or to receive or give advice; and it may be equally proper for parents, under certain circumstances, to go to the schoolhouse for an explanation, or to receive or give advice, provided that, in both cases, it is done in the right spirit. For it must be borne in mind that the schoolmaster has no right whatever to exercise authority over parents out of the schoolhouse, and that parents, as such, have no right whatever to exercise authority over the master. When the interests of parents and teachers are properly understood, there will be complete harmony and unity of action; but until that happy day comes, it is well enough for all to know that the teacher's position does not require him to please any parent, but *to do his duty*, even though he displease them all. The impression that parents have a right to go to the school and dictate to, or insult the teacher, is entirely contrary to the spirit and letter of the law establishing the common or public schools throughout the country. In private schools the case is somewhat different; for the parents there, in legal effect, are the employers of the teacher, and consequently his masters; but in the common and public schools they are neither his employers nor his masters, and it is entirely out of place for them to attempt to give him orders; for ‘there is no privity of contract between the parents of pupils to be sent to school and the schoolmaster. The latter is employed and paid by the town, and to them only is he responsible on his contract.’ (Spear v. Cummings, 23 Pick., 224.)

“4. *The statutory law as to disturbing schools.*—In some of the States it is made a criminal offence to wilfully interrupt or disturb any public, private, or select school. (28 Conn., 232.) The New York statute says: ‘No person shall wilfully disturb, or disquiet, any assemblage of persons met at any school district for the purpose of receiving instruction in any of the branches of education usually taught in the common schools of this State, or in the science of music.’ (Session Laws of 1845, ch. 228.) This statute seems to apply equally to day or evening, and public or private schools. The penalty for its violation is not to exceed twenty-five dollars for each offence, and there is no clause in it favoring parents; consequently, if they disturb or disquiet the school, they are subject to the same penalty as others. It is the policy of the States generally to encourage education; and many of them having established free schools, have thought proper to make provisions to protect their schools from indiscreet interference. Consequently, all well conducted schools may now, in a certain sense, be regarded as the wards of the State. It will not allow any of them to be disturbed, disquieted, or interrupted with impunity; and the same policy that protects the day schools, protects evening schools also. Hence in Maine it has been decided that a person may be punished, under the statute, for wilfully disturbing a private

school kept in a district schoolhouse for instruction in the art of writing. (*The State v. Leighton*, 35 Maine, 185.)

"5. *Parents have no remedy as against the teacher.*—As a general thing, the only persons who have a legal right to give orders to the teacher, are his employers—namely, the committee in some States, and in others the Directors or Trustees. If his conduct is approved of by his employers, the parents have no remedy as against him or them; for the law will not presume that the committee, etc., who are invested with the powers of superintendence and management, will act arbitrarily and unjustly in a matter submitted to their judgment. (23 Pick., 227.) The following decision on this same point is later, and to the same effect: The Board of Trustees in the City of New York are vested with the power to conduct and manage the schools in their respective wards; and in this conduct and management the discipline of the schools is exclusively under their control. To their direction, consequently and necessarily, is confided the power to decide questions relating to the violation of discipline, and *their judgment is conclusive.* (18 Abbott's Pr., 165.) If a child of proper age and qualifications is rejected by the master, the proper course for the parent is to appeal to the committee, Trustees, or Directors, as the case may be. If, on their requisition, the master should refuse to accept the pupil, they would have ample means to enforce their authority by means of their contract with the master. But if they approve of and confirm the act of the master, we are to believe that there is good and sufficient cause for the rejection of the pupil. (23 Pick., 227.) The Trustees may always expel a scholar when, in their judgment, the good order and proper government of the school requires it. (14 Barb., 225; 38 Maine, 376; 8 Cush., 164.) And if they err in the discharge of their duty in good faith, they are not liable to an action therefor. (32 Vermont, 224.) Consequently, the master ought to consult the Trustees before he expels a pupil (23 Pick., 227;) and if they give their consent, the parent has no remedy, and there is nothing to fear. In no case can a parent sustain an action for an injury to his child, unless some actual loss has accrued to him, or he has been subjected to the violation of some right, from which a possibility of damage to him may arise. (14 Barb., 225; 38 Maine, 376.) A parent of a child expelled from a public school cannot maintain an action against the school committee by whose order it was done. (Ib.) Nor is the teacher of a town school liable to an action by a parent for refusing to instruct his children. (23 Pick., 224.)

"6. *Character on trial.*—When a teacher is put on trial for assault and battery, he should not omit to prove his good character. Every man who lives long enough to acquire a good character is entitled to the benefit of it, when in peril. It has been usual to treat the good character of the party accused as evidence to be taken into consideration only in doubtful cases. Juries have generally been told that, where the facts proved are such as to satisfy their minds of the guilt of the party, character, however excellent, is no subject for their consideration; but that, when they entertain any doubt as to the guilt of the party, they may properly turn their attention to the good character which he has received. (*Bennet v. State*, Humph., 118.) It is, however, submitted with deference, that the good character of the party accused, satisfactorily established by competent witnesses, is an ingredient which ought always to be submitted to the consideration of the jury, together with the other facts and circumstances of the case. The nature of the charge, and the evidence by which it is supported, will often render such ingre-

dients of little or no avail; but the more correct course seems to be, not in any case to withdraw it from consideration, but to leave the jury to form their conclusion upon the whole of the evidence, whether an individual, whose character was previously unblemished, has or has not committed the particular crime for which he is called upon to answer. (2 Ras. on Cr., 8th Am. ed., 785; *Rex v. Stannard*, 7 C. & P., 673; 32 Eng. Com. Law R., 681; see, also, 1 Cox R., 424; 2 Mass. R., 317; 9 Barb., 609; 14 Missouri, 502; 10 B. Monroe's R., 225; 8 Smedes & Mars. R., 401; 3 Strobb. R., 517; 1 Wheeler's Cr. Ca., 64; 1 City Hall Rec., 11, 82; Rosco's Cr. Ev., 97; 1 Taylor on Ev., 258; 5 Cush., 295; Archbold's Cr. P. & P., 400; 2 Stark. Ev., 365; 2 Halsted's Law of Ev., 150; and 1 Greenl. Ev., 54, 55.)"

## DEPARTMENT OF PUBLIC INSTRUCTION.

In compliance with the law requiring the State Superintendent to act as a "travelling agent" at least four months annually, I have travelled to some extent during every month in the year with one exception, as will be seen by reference to the statement of the expenditure of the appropriation for travelling expenses. Each annual appropriation of one thousand dollars exceeded the amount expended by three hundred dollars.

In the spring of eighteen hundred and sixty-five I visited the schools in the southern part of the State, in the Counties of Los Angeles, San Bernardino, Santa Barbara, San Luis Obispo, Santa Cruz, and Santa Clara, a report of which was published in the State educational journal and several newspapers in the State, and is therefore not included in this report. I have travelled more in the larger and central counties of the State on account of the necessity of attending Institutes. During the past two years I have attended Teachers' Institutes, lectured, or visited schools in the following counties: Alameda, Amador, Calaveras, Contra Costa, El Dorado, Los Angeles, Marin, Napa, Placer, Sacramento, San Bernardino, San Joaquin, San Luis Obispo, San Mateo, Santa Barbara, Santa Clara, Santa Cruz, Solano, Sonoma, Tuolumne, and Yuba. Brief official notes of observation have been from time to time published in the *California Teacher*, and therefore need no republication in this report.

It is my intention next year to visit the northern counties of the State. This State is so large, and the means of travelling so slow, it is almost impossible for me to find time to visit the remote counties, where assistance is most needed.

Much of the office work of the department is of such a character that it cannot well be performed by the Clerk of the Superintendent, who is not authorized to act as a deputy. The State Superintendent is Secretary of the Board of Trustees of the State Normal School, and must give some time to that school. No small share of the work of editing the State educational journal falls upon him; innumerable letters on points of school law must be answered; his office is made the teachers' general intelligence office of the State; and during the past two years more than one hundred and fifty teachers have been sent from it to schools in all parts of the State—from San Diego to Crescent City. Add to this the work of making out the annual statistics, sending out the annual supply of blanks and registers, the monthly copies of the State educational journal, writing a biennial report, and there is quite enough to keep him

busy all the time. Notwithstanding this, by sometimes neglecting the office work, and suffering files of unanswered letters to accumulate in huge piles, I have travelled more than half the time.

I have been thus specific about the work of the office because complaint has been made that the Superintendent has failed to visit some counties in the State. My own convenience, business, and health have always been made of secondary importance to the work of my office; I have worked many times till midnight to make up for time taken to attend Institutes or to lecture; and if I have failed to visit every school and lecture in every schoolhouse, it is because the State imposes on the Superintendent the duty which, in some of the other States, is done by a special "travelling agent," who devotes his whole time to lecturing and conducting Institutes. It is true, California has a comparatively small school department; but the work of organizing in a new State is sometimes quite as difficult and laborious as conducting a larger department which has been in successful operation many years. It would be an economical policy in the end for the State to employ a special Institute lecturer and travelling agent, or to require the Principal of the State Normal School to attend County Institutes and deliver lectures a part of the time, employing an additional teacher in that school.

The officers of the State School Department of Pennsylvania consist of a State Superintendent, deputy, travelling agent, three office clerks, and a messenger; of New York, a Superintendent, deputy, and office clerk; of Massachusetts, a Secretary of the Board of Education, and a travelling agent. Even were the cost of a travelling agent taken from the State School Fund, the schools would be the gainers by it; the importance of public schools needs to be persistently pressed upon the people of this State, and every dollar paid for such an agent would raise ten dollars more by district taxes for the schools. The cosmopolitan children of this State need to be moulded into American citizens in the public schools; and it is the part of prudence and wisdom for the State to take the most judicious measures for directing the popular opinion in favor of the most perfect system of schools and the most liberal expenditures for them. The power of appointing this agent should be vested in the State Board of Education, if constituted as proposed in the amendments to the school law, as submitted in this report.

The following is a sworn statement, as required by law, of the expenditure of the various appropriations made to this department for the sixteenth and seventeenth fiscal years:

## OFFICE APPROPRIATIONS.

*Statement of the expenditures of appropriations made to the office of Superintendent of Public Instruction, fifteenth fiscal year, ending June 30, 1864.*

For what purpose expended.	Amount of Appropriation.	Amount expended.	Balance unexpended.
Rent of office.....	\$450 00	\$450 00	.....
Postage and expressage.....	800 00	790 35	\$9 65
Stationery, lights, and fuel.....	200 00	198 00	2 00
Travelling expenses.....	1,000 00	709 00	291 00
Contingent expenses.....	50 00	50 00	.....

## OFFICE APPROPRIATIONS.

*Statement of the expenditures of appropriations made to the office of Superintendent of Public Instruction, sixteenth fiscal year, ending June 30, 1865.*

For what purpose expended.	Amount of Appropriation.	Amount expended.	Balance unexpended.
Rent of office.....	\$500 00	\$500 00	.....
Postage and expressage.....	800 00	489 35	\$310 65
Stationery, lights, and fuel.....	200 00	197 14	2 86
Travelling expenses.....	1,000 00	681 25	318 75
Contingent expenses.....	250 00	240 15	9 85

## STATEMENT

*Of the expenditures of the appropriation for travelling expenses of the Superintendent of Public Instruction for the fifteenth fiscal year, ending June 30, 1864, showing amount expended each month in the year.*

Amount of appropriation.....	\$1,000
Cash expended in July, 1863.....	\$84 00
Cash expended in August, 1863.....	116 75
Cash expended in September, 1863.....	57 50
Cash expended in October and November, 1863.....	53 00
Cash expended in December, 1863.....	27 50
Cash expended in January, February, March and April, 1864.....	227 00
Cash expended in May, 1864.....	30 50
Cash expended in June, 1864.....	112 75
	709
Balance unexpended.....	\$291

## STATEMENT

*Of the expenditures of the appropriation for travelling expenses of the Superintendent of Public Instruction for the sixteenth fiscal year, ending June 30, 1865, showing amount expended each month in the year.*

One half appropriation for sixteenth and seventeenth fiscal years.....		\$1,000 00
Cash expended in July, 1864.....	\$35 75	
Cash expended in August and September, 1864.....	72 00	
Cash expended in October, 1864.....	49 50	
Cash expended in November, 1864.....	47 50	
Cash expended in December, 1864 (no expenses).....		
Cash expended in January, 1865.....	60 75	
Cash expended from February 9 to March 20, 1865..	161 50	
Cash expended in March and April, 1865.....	94 00	
Cash expended in May, 1865.....	69 50	
Cash expended in June, 1865.....	90 75	
		681 25
Balance unexpended .....		\$318 75

## STATEMENT

*Of the expenditure of the appropriation for contingent expenses for the sixteenth fiscal year, ending June 30, 1865.*

One half of appropriation of \$500 for the sixteenth and seventeenth fiscal years.....		\$250 00
Carpets for two office rooms.....	\$94 75	
Chairs, and office furniture.....	49 00	
Book cases, and repairs.....	48 00	
Binding pamphlets.....	31 90	
Books, locks, keys, etc.....	16 50	
		240 15
Unexpended balance .....		\$9 85

STATE OF CALIFORNIA, }  
City and County of San Francisco. } ss.

John Swett being duly sworn, deposes and says: That he is the Superintendent of Public Instruction of the State of California; and further, that the foregoing contains a true and correct statement of the expenditures of the appropriations made to the Department of Public Instruction for the fifteenth and sixteenth fiscal years.

JOHN SWETT,  
Superintendent of Public Instruction.

Subscribed and sworn to before me, this thirtieth day of November, A. D. eighteen hundred and sixty-five.

OTIS V. SAWYER,  
Notary Public.

[SEAL.]

## DEFICIENCY APPROPRIATION.

In consideration of the fact that a large balance remains unexpended in several of the appropriations for this office, I respectfully ask for a deficiency contingent appropriation, for the purpose of binding the records of this department and the school reports of other States. An appropriation of two hundred dollars will bind them all and purchase a good library case to contain them. It is time that these records were put in order. The school reports of other States are extremely valuable for reference, and will form a good educational library for the use of future officers of this department.

## STATE NORMAL SCHOOL.

Under the provisions of section fifty-four of the school law it is made "the duty of the Superintendent of Public Instruction, to visit said normal school at least twice in each term; and he shall embody in his annual report a full account of the proceedings of said Board of Trustees, of their expenditures, of the actual condition of such school, and such other information relating to such school as he may deem advisable."

All the details of the management of the school have been so fully published in the columns of the State educational journal that a brief summary of the proceedings of the Board of Trustees is all that seems necessary for this report. The school year of the normal school corresponds to the State fiscal year. From the time when the normal school was first opened, July twenty-third, eighteen hundred and sixty-two, to October, eighteen hundred and sixty-three, the number of pupils was so small that only one teacher was employed. The training school, or model class, was in charge of Miss H. M. Clark, a graduate of the Toronto (Canada) Training School.

In October, eighteen hundred and sixty-three, the school had so increased in numbers that the employment of a male assistant teacher was found indispensable, and Mr. H. P. Carlton, a teacher who had been for several years Principal of a grammar school in San Francisco, was appointed by the Executive Committee of the Board, which appointment was confirmed by the whole Board.

At the opening of the January term, eighteen hundred and sixty-four, an assistant female teacher was found necessary to take charge of the third class. Miss Mary R. Harris was appointed to that position; but, after one month she resigned, and was succeeded by Miss Mary D. Bodwell. Mlle Parot, a graduate of Dr. Lewis' Institute, was employed as teacher of light gymnastics and calisthenics. In January, eighteen hundred and sixty-three, the City of San Francisco assumed the payment of the teachers of the training school. In July, eighteen hundred and sixty-four, Mr. Holmes and Mr. Carlton were re-elected for one year; and Miss Eliza W. Houghton was elected as female assistant in place of Miss Bodwell, who had accepted a position as assistant in the girls' high school of San Francisco. At the same time, Miss Clark having resigned her position as teacher of the model class, for the purpose of visiting Canada, was succeeded by Miss Kate Sullivan, from

Chicago. Mr. C. J. Robinson, a graduate of Wattson's gymnastic school, was employed as teacher of light gymnastics. In October, Mr. Ebenezer Knowlton, a graduate of Dr. Lewis' Institute, was employed as special teacher of elocution and gymnastics.

In July, eighteen hundred and sixty-five, the third year of the school, Mr. George W. Minns, for many years teacher of natural sciences in the San Francisco high school, succeeded Mr. Abira Holmes as Principal of the normal school; and Mr. H. P. Carlton and Miss E. W. Houghton were re-elected Assistants. The salaries were fixed for the year at the following rates: Principal, two thousand five hundred dollars; male assistant, two thousand dollars; female assistant, thirteen hundred dollars per annum. The model classes were disbanded, and the normal school was removed from its former inconvenient rooms to the new Lincoln school building. In September, the school was again removed to the primary school building near the Lincoln schoolhouse, and the entire house devoted to the normal school and a training school of four classes. Mrs. C. H. Stout was appointed by the City Board as Principal of the training school, with a salary of one hundred dollars per month, paid by the City of San Francisco; and Miss H. M. Clark, who had returned from Canada, as Assistant, at a salary of one hundred dollars per month, paid by the State. In this training school the normal school pupils are required to take charge of classes, by turns, one week at a time, teaching under the direction of Mrs. Stout and Miss Clark. The school is now well accommodated and in a most flourishing condition.

The following is the monthly report for October, eighteen hundred and sixty-five.

Whole attendance during the month .....	86
Whole attendance of females .....	76
Whole attendance of males .....	10
Average number belonging during the month .....	77
Average daily attendance .....	73
Percentage of attendance .....	95
Number admitted .....	3
Number left .....	5
Number in senior class .....	27
Number in junior class .....	23
Number in sub-junior class .....	36
Whole number of counties represented .....	17

The school is rapidly increasing in numbers and efficiency, and from present appearances the services of an additional female assistant will be required next term, beginning in January, eighteen hundred and sixty-six. Full statistical information concerning the normal school will be found in the report of the Principal, Mr. Minns, embodied in this report.

I take pleasure in behalf of the Board of Trustees in paying a merited tribute to the efficiency with which all the teachers of the normal school have discharged their duties. Their positions are the highest and most responsible in the State. The Board of Trustees have paid them liberal salaries, have expected them to do their duty well, and have not been disappointed. The school is rapidly gaining ground, and its influence is beginning to be felt on the common schools of the State. Many per-

sons who have been engaged in teaching for years, enter the school to better fit themselves for their profession.

Most of the graduates who have gone out to teach, have proved themselves accomplished teachers. The normal school is a part of the public school system of education, and every dollar expended in its support tends to elevate the character of the common schools.

The annual appropriation provided in the school law of eight thousand dollars, will probably be sufficient to continue the school for the next two years, provided the number of pupils is limited to one hundred; if more should be admitted the appropriation ought to be increased to ten thousand dollars annually.

The following is the official organization of the State Normal School:

#### Board of Trustees.

F. F. LOW.....	Governor of State, ex officio President of the Board.
J. F. HOUGHTON .....	Surveyor-General.
JOHN SWETT.....	Superintendent of Public Instruction.
JOHN C. PELTON.....	Superintendent of Public Schools, San Francisco.
Rev. WM. H. HILL.....	Superintendent of Public Schools, Sacramento.

#### Executive Committee.

JOHN C. PELTON,	JOHN SWETT,	Rev. WM. H. HILL.
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#### Secretary and Treasurer.

JOHN SWETT.

Office—Southeast corner of Montgomery and Jackson streets.

#### Teachers.

GEORGE W. MINNS .....	Principal.
H. P. CARLTON.....	Assistant.
Miss E. W. HOUGHTON.....	Assistant.

#### Training School.

Mrs. C. H. STOUT .....	Principal.
Miss H. M. CLARK .....	Assistant.

The following is the course of study and classification:

#### SUB-JUNIOR CLASS.

*Arithmetic*—Eaton's Common School; Mental. *Grammar*—Quackenbos'. *Geography*—Shaw & Allen's; Cornell's Outline Maps; Map of California; Outline Map Drawing. *History of United States*—Quackenbos'. *Penmanship*—Spencerian. *Reading*—Willson's Fourth Reader. *Spelling*—Willson's Larger. *Oral Exercises*—Willson's Charts. *Elocution*—Analysis of Elementary Sounds. *Blackboard Writing and Drawing*. *Vocal Music*. *School Calisthenics and Gymnastics*. *Elementary Instruction*—Sheldon's.

#### JUNIOR CLASS.

*Arithmetic*—Eaton's Higher. *Algebra*—Robinson's Elementary. *Grammar*—Quackenbos'. *Geography*—Shaw & Allen's Comprehensive; Gnyot's Wall Maps. *History of United States*—Quackenbos'. *Physiology*—Hooker's. *Reading*—Willson's Fifth Reader. *Definitions and Spelling*. *English Com-*

sition. *Elocutionary Exercises*—Russell's. *Elementary Instruction*—Shelton's. *Vocal Music*. *School Calisthenics and Gymnastics*.

## SENIOR CLASS.

*Arithmetic*—Eaton's Higher. *Algebra*—Robinson's Elementary. *Geometry*. *Grammar*—Quackenbos'. *Rhetoric*—Quackenbos'. *Natural History*—Hooker's. *Natural Philosophy*—Quackenbos'. *History*—Worcester's. *Physiology*—Hooker's. *Physical Geography*. *Bookkeeping*. *Art of Teaching*—Russell's Normal Training; Russell's Vocal Culture; Shelton's Elementary Instruction; Page's Theory and Practice. *Constitution of the United States*. *School Law of California*. *Use of State School Registers, Forms, Blanks, and Reports*. *Vocal Music*. *School Calisthenics and Gymnastics*.

## FINANCIAL REPORT OF THE TRUSTEES OF THE STATE NORMAL SCHOOL,

For the fiscal year ending June 30, 1864.

For what purpose expended.	Amount.
Amount of State appropriation.....	\$6,000 00
Salary of A. Holmes, Principal.....	\$2,314 00
Salary of H. P. Carlton, Assistant.....	1,814 00
Salary of Miss M. A. Harris, Assistant.....	100 00
Salary of Miss M. D. Bodwell, Assistant.....	366 60
Salary of Miss A. Paròt, Teacher of calisthenics...	90 00
Salary of H. Burgess, Teacher of Drawing.....	90 00
Salary of B. P. Fisher, janitor and carpenter.....	350 00
H. H. Bancroft & Co., (books, charts, maps, etc.)	618 37½
Contingent expenses .....	257 02½
Total expended.....	\$6,000 00

JOHN SWETT,  
Secretary and Treasurer of the Board of Trustees.

## FINANCIAL REPORT OF THE TRUSTEES OF THE STATE NORMAL SCHOOL,

For the fiscal year ending June 30, 1865.

For what purpose expended.	Amount.
Amount of appropriation.....	\$8,000 00
Salary of A. Holmes, Principal.....	\$2,245 00
Salary of H. P. Carlton, Assistant.....	2,198 00
Salary of Miss E. W. Houghton, Assistant.....	1,191 00
Salary of E. Knowlton, Teacher of elocution .....	383 00
Salary of C. J. Robinson, light gymnastics.....	30 00
Salary of B. P. Fisher, janitor .....	25 00
Rent of piano.....	72 00
Advertising one year ( <i>California Teacher</i> ).....	120 00
School apparatus.....	400 00
One piano.....	385 00
Books, charts, and incidentals.....	814 36
Balance on hand .....	136 64
Total .....	\$8,000 00

JOHN SWETT,  
Secretary and Treasurer of the Board.

## PUBLIC SCHOOLS AND TAXATION.

I am reluctant to close this long and complicated report of details and statistics, necessary to be made, and yet, from their character, tiresome to most except school officers and teachers, without a final appeal to the legislators who will be called upon to act on its suggestions and recommendations.

Previous to the lessons taught us by the great war just closed—in suffering, and doubt, and blood, and tears—the great fundamental truths of our school system had grown to be glittering generalities for gracing political speeches or Governors' messages. These truths are now felt as a solid reality by the States on the other side of the continent; and under all the burdens of their debts, incurred in saving the nation, they are striving to make their public schools more effective by more liberal provisions for their support. I am painfully conscious that our schools, while accomplishing something, fall far short of the great work which is pressing upon them. They need both judicious legislation for their government, and liberal taxation for their support. It is a matter of deep regret to all thinking men, that some of our citizens who represent the greatest wealth of the community are engaged in a crusade against taxation for the support of schools, and are waging their warfare under the hue and cry of extravagance, for the purpose of exciting the prejudices of the people.



liberality in educating the people is the true economy of States. That would be extravagance in one individual, whose life is limited to a few years, is economy in the life of a State or nation; what would be economy in a single man, is meanness in a State. This generation is not living for itself alone, but for future generations and for the future greatness of the nation. We have those among us who, to save from a dollar they call their own a tax of one one-hundredth of one per cent, would make serfs of the next generation by leaving the children to grow up in ignorance; who think intelligence, cultivation, refinement, honor, integrity, morality, religion, and patriotism among common people—the working classes—are myths; that the only thing tangible is an estate, and the great object of life is to escape taxation. Public schools are synonymous with taxation; they represent taxation, and the poorer the “common people” understand this democratic-republican doctrine the better for the State, the better for property, the better for mankind, the better for the nation. There is altogether too much of a whining about taxation for the support of schools. Where would our nation have been to-day but for public schools? Who fought our battles in the last war, but the men who were drilled into patriots in public schools supported by taxation? Last year the nation paid seventy-two millions of dollars for the support of schools; what true statesman wishes it had been less? The public schools are the educators of the working men and women of the nation, and they are the producers of all the wealth which is protected by law. The schools mold the characters of the men whose will, expressed through the ballot box, makes and unmakes Constitutions, and breathes life into all laws. The great “Expounder of the Constitution,” Daniel Webster, was a lifelong champion of the public schools; his great intellect comprehended the length and breadth of their influence on the nation, and I note, with peculiar pleasure, his views on popular education:

“I congratulate myself that my first speech on entering public life was in their behalf. Education, to accomplish the ends of good government, should be universally diffused. Open the doors of the schoolhouse to all the children in the land. Let no man have the excuse of poverty or not educating his own offspring. Place the means of education within his reach, and if they remain in ignorance, be it his own reproach. If one object of the expenditure of your revenue be protection against crime, you could not devise a better or cheaper means of obtaining it. Other nations spend their money in providing means for its detection and punishment, but it is the principle of our Government to provide for its never occurring; the one acts by *coercion*, the other by *prevention*. In the diffusion of education among the people rest the preservation and perpetuation of our free institutions. I apprehend no danger to our country from a foreign foe. The prospect of a war with any powerful nation is too remote to be a matter of calculation; besides, there is no nation on earth powerful enough to accomplish our overthrow. Our destruction, should it come at all, will be from another quarter. From the inattention of the people to the concerns of their Government, from their carelessness and negligence, I must confess that I do apprehend some danger. I fear that they may place too implicit a confidence in their public servants, and fail properly to scrutinize their conduct; that in this way they may be made the dupes of designing men, and become the instruments of their own undoing. Make them intelligent, and they

will be vigilant; give them the means of detecting the wrong, and they will apply the remedy.

\* \* \* \* \*  
“Everywhere, *everywhere*, on her hills and rivers, are these school-houses. Who shall speak in proper language of the wisdom, and foresight, and benevolence, and sagacity of our forefathers in establishing a general system of public instruction as a great public police for the benefit of the whole, as a business in which all are interested? The world had previously seen nothing like it, although some parts of the world have since copied from it. But where—when you talk of fostering governments, of guardian governments, of governments which render to subjects that protection which the allegiance of subjects demands—where is it, I ask, that, as here with us, it has come to be a great and fundamental proposition, existing before Constitutions, that it is the duty, the bounden duty, of governments composed by the representation of all, to lay the foundation of the happiness and respectability of society in universal education?

“That which is elsewhere left to chance, or to charity, we secure by law. For the purpose of public instruction, we hold every man subject to taxation in proportion to his property, and we look not to the question whether he himself have or have not children to be benefited by the education for which he pays. We regard it as a wise and liberal system of police, by which property and life and the peace of society are secured. We seek to prevent, in some measure, the extension of the penal code, by inspiring a salutary and conservative principle of virtue and of knowledge in an early age. We hope to excite a feeling of respectability and a sense of character by enlarging the capacity and increasing the sphere of intellectual enjoyment. By general instruction, we seek, as far as possible, to purify the whole moral atmosphere, to keep good sentiments uppermost, and to turn the strong current of feeling and opinion, as well as the censures of the law and the denunciations of religion, against immorality and crime. We hope for a security beyond the law and above the law, in the prevalence of enlightened and well principled moral sentiment. We hope to continue and prolong the time when, in the villages and farmhouses of New England, there may be undisturbed sleep within unbarred doors. And knowing that our Government rests directly on the public will, that we may preserve it we endeavor to give a safe and proper direction to that public will.

“We do not, indeed, expect all men to be philosophers or statesmen, but we confidently trust, and our expectation of the duration of our system of government rests on that trust, that by the diffusion of general knowledge and good and virtuous sentiments, the political fabric may be secure as well against open violence and overthrow as against that slow but sure undermining of licentiousness.

“We seek to educate the people. We seek to work upon the mind as well as on matter; and in working on mind, it enlarges the human intellect and heart. We know, when we work upon materials immortal and imperishable, that they will bear the impress which we place upon them through endless ages to come. If we work upon marble, it will perish; if we work upon brass, time will efface it; if we rear temples, they will crumble to the dust; but if we work on men’s immortal minds, if we imbue them with high principles—with the just fear of God and their fellow men—we engrave on those tablets something which no time can efface, but which shall brighten and brighten to all eternity.”



appeal to legislators, when the school bill comes before them, to in mind that in providing for schools, a liberal expenditure is in end, the truest economy; and when the cry of taxation is urged inst any reasonable and necessary appropriations, to remember this at truth, so well expressed by Horace Mann: "In our country and in times no man is worthy the honored name of statesman who does include the highest practicable education of the people in all his as of administration. He may have eloquence, he may have a know- ge of all history, diplomacy, jurisprudence—and by these he might m in other countries the elevated rank of statesman; but, unless he aks. plans, and labors, at all times and in all places, for the culture l edification of the whole people, he is not, he cannot be, an American tesman."

## STATISTICAL TABLES.

TABLE 1.

STATEMENT by counties of the total amount of State School Fund apportioned for the School Years ending August 31st, 1863, 1864, and 1865.

COUNTIES.	1863.	1864.	1865.
Alameda.....	\$4,233	\$3,658	\$4,914
Albany.....	3,513	3,225	4,283
Alameda.....	3,376	2,937	3,639
Alameda.....	4,009	3,923	4,791
Alameda.....	924	768	836
Alameda.....	3,181	2,764	3,272
Alameda.....	321	237	316
Alameda.....	6,092	4,951	5,643
Alameda.....	81	55	273
Alameda.....	1,399	1,204	1,476
Alameda.....	146	139	166
Alameda.....	726	447	1,162
Alameda.....			636
Alameda.....	4,740	4,081	4,469
Alameda.....	1,243	1,290	1,478
Alameda.....	1,752	1,475	1,761
Alameda.....	1,479	1,355	1,850
Alameda.....	530	474	496
Alameda.....	94		
Alameda.....	3,211	2,700	3,080
Alameda.....	2,566	2,039	2,745
Alameda.....	4,925	3,886	5,371
Alameda.....	3,570	3,283	3,761
Alameda.....	898	884	828
Alameda.....	8,920	7,757	9,566
Alameda.....	1,944	1,843	2,104
Alameda.....	691	598	719
Alameda.....	26,192	27,912	36,371
Alameda.....	6,280	5,387	6,807
Alameda.....	1,441	1,259	1,733
Alameda.....	1,585	1,388	1,792
Alameda.....	2,584	1,412	3,529
Alameda.....	7,275	6,953	8,477
Alameda.....	2,946	2,752	3,451
Alameda.....	1,925	1,578	1,732
Alameda.....	1,525	1,786	2,007
Alameda.....	1,477	1,355	1,714
Alameda.....	4,041	3,731	4,764
Alameda.....	7,723	6,616	8,799
Alameda.....	831	853	946
Alameda.....	1,561	1,491	2,182
Alameda.....	1,110	982	1,223
Alameda.....	614	280	711
Alameda.....	1,678	1,437	1,792
Alameda.....	3,582	3,168	4,120
Alameda.....	2,775	2,614	2,731
Alameda.....	3,808	3,273	3,845
Totals .....	\$145,537	\$132,217	\$168,828

TABLE 2.

STATEMENT of securities of the State School Fund.

Civil bonds of the State, marked "School Fund," drawing interest at seven per cent.....	\$606,000 00
Seven per cent State bonds, issued for the relief of the enlisted men of the "California Volunteers".....	45,000 00
Amount due the School Fund from the State on the sale of school land warrants, still unfunded.....	31,000 00
Total.....	\$682,000 00

STATEMENT of amount of revenue accruing to the State School Fund for apportionment for the School Year ending August 31, 1865.

Interest on unfunded scrip.....	\$14,583 33
Amount derived from interest on unpaid school land warrants.....	35,079 00
Interest accruing from bonds held by State Treasurer.....	32,795 00
Amount derived from State poll taxes.....	32,619 32
Amount of half-mill State tax.....	54,482 39
Total.....	\$169,559 04

TABLE 3.

CEMENT showing the rate of county school tax on each hundred dollars taxable property, for the School Years ending August 31st, 1863, 1864, and 1865.

COUNTIES.	1863.	1864.	1865.	For School Year 1866—levied March, 1865.
Alameda.....	\$ .20	\$ .20	\$ .20	\$ .20
Alpine.....			.25	.20
Amador.....	.20	.20	.30	.30
Butte.....	.15	.20	.20	.20
Calaveras.....	.10	.10	.10	.25
Colusa.....	.10	.10	.10	.08
Contra Costa.....	.20	.20	.25	.25
Del Norte.....	.10	.10	.25	
El Dorado.....	.25	.25	.25	.25
Fresno.....	.05	.05	.05	.05
Humboldt.....	.10	.15	.17	.17
Klamath.....			.08	.15
Lake.....	.15	.20	.20	.30
Lassen.....		.12	.07	.11
Los Angeles.....	.23	.23	.25	.25
Marin.....	.20	.20	.20	
Mariposa.....	.10	.10	.10	
Mendocino.....	.10	.10	.18	
Monterey.....	.20	.20	.20	.20
Merced.....	.25	.25	.35	.30
Napa.....	.10	.12	.15	.15
Nevada.....	.20	.20	.20	.30
Placer.....	.20	.20	.20	.20
Plumas.....	.05	.09	.10	.10
Sacramento.....	.20	.20	.18	.23
San Bernardino.....	.05	.15	.15	.25
San Diego.....	.10	.10	.10	.35
San Francisco.....	.20	.35	.25	.21
San Joaquin.....	.22	.23	.21	.29
San Luis Obispo.....	.05	.05	.30	.20
San Mateo.....	.15	.15	.20	.20
Santa Barbara.....	.10	.10	.10	.26
Santa Clara.....	.10	.10	.20	.30
Santa Cruz.....	.25	.25	.25	.20
Shasta.....		.18	.20	.15
Sierra.....	.10	.15	.15	.15
Siskiyou.....	.10	.16	.15	.15
Solano.....	.15	.15	.15	.28
Sonoma.....	.10	.10	.26	.13
Stanislaus.....	.25	.05	.13	.20
Sutter.....	.10	.15	.20	.15
Tehama.....	.06	.15	.15	.20
Trinity.....	.25	.20	.20	.15
Tulare.....	.10	.05	.15	.30
Tuolumne.....	.10	.10	.10	.25
Yuba.....	.15	.15	.15	.10
Yuba.....	.10	.10	.10	

TABLE 4.

STATEMENT showing the amount of school money raised by county and city taxes in each county, for each child between four and eighteen years of age, for the School Years 1863, 1864, and 1865.

COUNTIES.	1863.	1864.	1865.	Raised by County tax, exclusive of City taxes, 1865.
Alameda.....	\$3 82	\$3 10	\$3 04	\$2 91
Alpine.....			1 83	1 83
Amador.....	2 44	1 77	1 67	1 67
Butte.....	2 13	3 24	2 41	2 41
Calaveras.....	1 11	95	96	96
Colusa.....	4 81	3 42	2 09	2 09
Contra Costa.....	1 97	1 69	1 77	1 77
Del Norte.....	1 62	1 92	3 62	3 62
El Dorado.....	3 61	4 27	3 70	3 00
Fresno.....	3 23		1 39	1 39
Humboldt.....	1 48	2 67	3 22	3 22
Klamath.....		4 17	3 53	3 53
Lake.....	58	69	68	68
Lassen.....		51	2 46	2 46
Los Angeles.....	1 72	3 33	1 69	96
Marin.....	4 00	3 33	2 14	2 14
Mariposa.....	2 04	1 92	1 95	1 95
Mendocino.....	3 18	1 13	96	96
Monterey.....	3 21			
Merced.....	3 24	6 30	4 47	4 47
Napa.....	2 13	2 21	2 03	2 03
Nevada.....	1 12	1 89	2 09	2 09
Placer.....	2 50	2 01	3 03	3 03
Plumas.....	4 00	3 37	2 62	2 62
Sacramento.....	66	1 41	1 62	1 62
San Bernardino.....	2 87	6 59	7 91	5 03
San Diego.....	42	51	53	53
San Francisco.....	95	88	1 69	1 69
San Joaquin.....	11 90	6 19	10 85	
San Luis Obispo.....	3 22	4 45	8 31	2 24
San Mateo.....	18	56	1 52	1 52
Santa Barbara.....		4 50	4 46	4 46
Santa Clara.....	54	48	36	36
Santa Cruz.....	1 53	1 31	3 67	2 57
Shasta.....	1 64	1 37	1 29	1 29
Sierra.....	1 60	1 57	2 10	2 10
Siskiyou.....	1 98	4 07	3 86	3 86
Solano.....	2 00	3 14	2 56	2 56
Sonoma.....	2 05	1 97	1 30	1 30
Stanislaus.....	1 01	74	1 80	1 80
Sutter.....	3 47	1 80	62	62
Tehama.....	1 57	1 42	2 00	2 00
Trinity.....	2 43	4 98	3 70	3 70
Tulare.....	5 33	4 66	3 10	3 10
Tuolumne.....	88	1 30	54	54
Yolo.....	1 31	1 13	1 18	1 18
Yuba.....	2 56	2 62	2 14	2 14
Yuba.....	2 67	5 52	3 53	2 03

TABLE 5.

STATEMENT of amount raised by county tax in 1865, calculated on the basis of the census returns of 1863, which were used by the Supervisors in estimating the minimum rate of county tax required to be levied by the provisions of the Act of March 22d, 1864.

COUNTIES.	Amount per child.	Rate of county tax levied in March, 1864.
Alameda.....	\$4 06	\$.20
Alpine.....	1 85	.25
Amador.....	2 97	.20
Butte.....	1 11	.10
Calaveras.....	2 37	.10
Colusa.....	2 11	.25
Contra Costa.....	5 09	.25
Del Norte.....	3 18	.25
El Dorado.....	7 61	.05
Fresno.....	3 42	.17
Humboldt.....	2 48	.20
Klamath.....	1 26	.07
Lake.....	1 07	.25
Lassen.....	2 70	.20
Los Angeles.....	2 10	.10
Marin.....	1 45	.18
Mariposa.....	6 28	.20
Mendocino.....	2 11	.35
Merced.....	2 54	.15
Mono.....	4 44	.20
Monterey.....	2 74	.20
Napa.....	1 72	.10
Nevada.....	5 55	.18
Placer.....	60	.08
Plumas.....	1 91	.10
Sacramento.....	3 05	.21
San Bernardino.....	1 15	.30
San Diego.....	5 19	.20
San Francisco.....	39	.10
San Joaquin.....	3 04	.25
San Luis Obispo.....	1 47	.20
San Mateo.....	2 11	.15
Santa Barbara.....	4 39	.15
Santa Clara.....	3 47	.15
Santa Cruz.....	1 06	.15
Shasta.....	2 60	.26
Sierra.....	77	.13
Siskiyou.....	2 75	.20
Solano.....	4 30	.15
Sonoma.....	4 84	.20
Stanislaus.....	82	.10
Sutter.....	96	.15
Tahama.....	2 04	.10
Tehama.....	2 42	.10
Trinity.....		
Tulare.....		
Tuolumne.....		
Yolo.....		
Yuba.....		

TABLE 6.

STATEMENT by counties, showing the amount for each child between four and eighteen years of age, derived from all sources of school revenue for the School Years ending August 31st, 1863, 1864, and 1865.

COUNTIES.	1863.	1864.	1865.
Alameda.....	\$6 64	\$11 46	\$9 95
Alpine.....			4 12
Amador.....	6 51	6 29	7 47
Butte.....	5 45	7 91	8 01
Calaveras.....	4 15	6 30	6 84
Colusa.....	7 65	9 80	7 00
Contra Costa.....	4 49	7 89	6 50
Del Norte.....	9 10	12 09	12 67
El Dorado.....	8 03	9 68	9 21
Fresno.....	5 78	3 43	5 07
Humboldt.....	4 13	6 36	7 42
Klamath.....	7 13	9 22	16 14
Lake.....	3 49	3 13	3 13
Lassen.....		6 58	11 69
Los Angeles.....	3 72	6 29	5 93
Marin.....	6 48	5 90	4 27
Mariposa.....	5 07	5 96	6 49
Mendocino.....	3 15	5 01	6 77
Merced.....	5 71	8 15	7 78
Mono.....	4 07		
Monterey.....	4 22	5 52	5 05
Napa.....	4 41	7 16	11 65
Nevada.....	7 25	5 74	7 67
Placer.....	7 63	10 78	8 53
Plumas.....	3 70	8 24	9 27
Sacramento.....	10 66	9 95	13 40
San Bernardino.....	2 41	3 54	3 86
San Diego.....	2 93	3 73	5 36
San Francisco.....	13 52	13 03	16 85
San Joaquin.....	8 11	9 07	12 32
San Luis Obispo.....	2 15	2 77	6 45
San Mateo.....	7 95	12 26	13 87
Santa Barbara.....	2 48	3 39	3 59
Santa Clara.....	5 87	8 35	8 03
Santa Cruz.....	3 86	7 40	5 92
Shasta.....	4 40	6 11	5 86
Sierra.....	5 64	10 85	10 91
Siskiyou.....	5 06	8 54	10 03
Solano.....	4 91	7 87	7 06
Sonoma.....	4 45	5 96	6 62
Stanislaus.....	8 01	6 21	8 32
Sutter.....	4 68	3 68	6 48
Tahama.....	5 81	10 18	11 35
Tehama.....	9 44	8 71	8 33
Trinity.....	3 50	3 59	4 51
Tulare.....	3 72	4 38	4 02
Tuolumne.....	6 81	8 21	7 12
Yolo.....	8 00	11 89	11 23
Yuba.....			
Average.....	\$7 44	\$8 71	\$10 02

TABLE 7.

STATISTICAL TABLE, showing by counties the number of children between four and eighteen years of age, and the average number belonging to public schools, for the School Years ending August 31st, 1864 and 1865.

COUNTIES.	Total number of children between 4 and 18 years of age.		Average number belonging to Public Schools.	
	1864.	1865.	1864.	1865.
Alameda.....	2,533	3,020	640	857
Alpine.....	278	324	32	74
Amador.....	2,365	2,074	768	883
Butte.....	1,876	2,117	717	975
Calaveras.....	2,470	2,623	630	791
Colusa.....	460	559	187	175
Contra Costa.....	1,726	1,907	604	683
Del Norte.....	163	215	153	121
El Dorado.....	2,909	3,078	1,291	1,289
Fresno.....	141	175	36	53
Humboldt.....	761	929	327	408
Klamath.....	55	57	24	18
Lake.....	599	599	231	231
Lassen.....	328	330	88	136
Los Angeles.....	2,304	2,661	362	391
Maria.....	771	913	286	288
Mariposa.....	908	920	282	270
Mendocino.....	934	1,272	378	555
Merced.....	236	388	115	120
Monterey.....	1,588	1,667	335	375
Napa.....	1,415	1,523	465	549
Nevada.....	2,769	3,259	800	945
Placer.....	1,939	2,027	1,100	860
Plumas.....	427	545	88	97
Sacramento.....	4,859	4,930	2,014	2,400
San Bernardino.....	1,085	1,201	302	226
San Diego.....	371	393	42	31
San Francisco.....	18,748	20,581	5,889	7,299
San Joaquin.....	3,509	3,852	1,613	1,865
San Luis Obispo.....	896	555	59	79
San Mateo.....	924	971	314	356
Santa Barbara.....	1,370	1,448	47	213
Santa Clara.....	4,370	4,775	1,348	1,489
Santa Cruz.....	1,779	1,819	501	531
Shasta.....	932	938	407	448
Sierra.....	1,035	1,174	450	489
Siskiyou.....	884	1,068	343	444
Solano.....	2,456	2,606	817	944
Sonoma.....	4,536	5,549	1,805	2,354
Stanislaus.....	488	618	142	207
Sutter.....	1,125	1,232	486	545
Tehama.....	630	664	247	275
Trinity.....	367	419	192	231
Tulare.....	924	1,266	181	284
Tuolumne.....	2,124	2,101	619	658
Yolo.....	1,412	1,451	642	722
Yuba.....	2,012	2,274	657	772
Totals.....	86,831	95,067	29,061	33,766

TABLE 8.

STATEMENT by counties, showing the total amount of school expenditures for the School Years ending August 31st, 1864 and 1865.

COUNTIES.	1864.	1865.
Alameda.....	\$28,477 75	\$22,785 10
Alpine.....		1,316 47
Amador.....	13,743 51	14,592 65
Butte.....	9,749 61	13,071 58
Calaveras.....	11,472 60	15,878 31
Colusa.....	2,527 90	3,436 59
Contra Costa.....	11,585 61	10,767 26
Del Norte.....	1,830 98	2,394 46
El Dorado.....	26,669 56	26,815 87
Fresno.....	163 00	649 45
Humboldt.....	3,636 37	5,159 21
Klamath.....	487 50	920 00
Lake.....	1,562 42	1,502 42
Lassen.....	2,158 72	3,727 75
Los Angeles.....	8,727 59	11,359 54
Maria.....	4,329 64	3,904 00
Mariposa.....	4,406 85	5,727 94
Mendocino.....	4,874 21	7,644 34
Merced.....	1,783 84	2,954 49
Monterey.....	7,035 37	7,467 88
Napa.....	8,549 50	15,689 44
Nevada.....	15,322 10	23,011 68
Placer.....	17,451 64	15,944 41
Plumas.....	3,218 44	5,015 84
Sacramento.....	43,265 26	61,792 20
San Bernardino.....	2,867 62	3,715 07
San Diego.....	665 75	1,211 32
San Francisco.....	228,411 87	346,862 17
San Joaquin.....	28,132 10	46,512 95
San Luis Obispo.....	1,433 00	2,695 12
San Mateo.....	8,756 78	9,106 27
Santa Barbara.....	3,373 92	2,759 12
Santa Clara.....	29,983 65	35,701 56
Santa Cruz.....	11,799 95	8,209 71
Shasta.....	4,946 27	5,174 66
Sierra.....	8,454 46	11,160 65
Siskiyou.....	5,022 21	9,185 48
Solano.....	15,258 33	17,965 50
Sonoma.....	22,264 12	25,998 64
Stanislaus.....	2,549 22	5,059 98
Sutter.....	4,042 23	7,283 03
Tehama.....	4,504 32	5,837 75
Trinity.....	2,950 55	3,269 05
Tulare.....	2,868 19	4,997 54
Tuolumne.....	8,116 05	8,105 67
Yolo.....	10,801 39	9,508 57
Yuba.....	14,127 91	17,876 57
Totals.....	\$655,198 86	\$883,116 56

TABLE 9.

STATEMENT by counties of statistics from returns of School Census Marshals, for the School Years ending August thirty first, eighteen hundred and sixty-four and eighteen hundred and sixty-five.

COUNTIES.	Number of Boys between four and eighteen years of age.		Number of Girls between four and eighteen years of age.		Total number White Children between four and eighteen years of age.		Number White Children under four years of age.	
	1864.	1865.	1864.	1865.	1864.	1865.	1864.	1865.
Alameda.....	1,268	1,470	1,265	1,550	2,533	3,020	1,329	1,498
Alpine.....	132	158	146	166	278	324	136	97
Amador.....	1,251	1,079	1,114	995	2,365	2,074	1,029	806
Butte.....	988	1,089	888	1,028	1,876	2,117	874	788
Calaveras.....	1,229	1,384	1,241	1,289	2,470	2,623	1,115	1,038
Colusa.....	239	296	221	263	460	559	234	231
Contra Costa.....	893	953	833	954	1,726	1,907	675	737
Del Norte.....	93	122	70	93	163	215	78	114
El Dorado.....	1,470	1,547	1,439	1,531	2,909	3,078	1,232	1,222
Fresno.....	68	87	73	88	141	175	58	78
Humboldt.....	418	511	343	418	761	929	332	382
Klamath.....	25	27	30	30	55	57	48	66
Lake.....	320	320	279	279	599	599	262	262
Lassen.....	165	167	163	163	328	330	181	168
Los Angeles.....	1,153	1,363	1,191	1,298	2,304	2,661	871	1,028
Marin.....	460	553	311	360	771	913	303	375
Mariposa.....	486	467	422	453	908	920	450	420
Monterey.....	532	700	422	572	954	1,272	436	584
Merced.....	145	209	111	170	256	388	122	166
Monterey.....	865	892	723	775	1,588	1,667	605	504
Napa.....	707	769	708	754	1,415	1,523	698	695
Nevada.....	1,372	1,653	1,397	1,606	2,769	3,259	1,483	1,735
Placer.....	979	1,038	960	989	1,939	2,027	917	860
Plumas.....	217	249	210	296	427	545	246	269
Sacramento.....	2,447	2,529	2,412	2,410	4,859	4,930	2,031	2,199
San Bernardino.....	568	642	517	559	1,085	1,201	417	440
San Diego.....	202	207	169	186	371	393	75	111
San Francisco.....	9,273	10,004	9,475	10,577	18,748	20,581	10,974	11,413
San Joaquin.....	1,831	1,985	1,678	1,867	3,509	3,852	1,449	1,463
San Luis Obispo.....	449	271	447	284	896	555	203	189
San Mateo.....	491	484	433	487	924	971	421	409
Santa Barbara.....	702	710	668	708	1,370	1,448	379	474
Santa Clara.....	2,199	2,448	2,171	2,327	4,370	4,775	1,795	1,794
Santa Cruz.....	929	937	850	882	1,779	1,819	73	751
Shasta.....	418	459	484	479	932	938	396	397
Sierra.....	525	594	510	580	1,035	1,174	730	703
Siskiyou.....	446	545	438	523	884	1,068	542	584
Solano.....	1,245	1,331	1,211	1,275	2,456	2,606	1,100	1,130
Sonoma.....	2,345	2,865	2,191	2,684	4,536	5,549	1,957	2,196
Stanislaus.....	245	311	243	307	488	618	255	270
Sutter.....	584	624	541	608	1,125	1,232	506	540
Tehama.....	335	353	295	311	630	664	304	313
Trinity.....	181	217	186	202	367	419	278	247
Tulare.....	508	663	416	603	924	1,266	426	400
Tuolumne.....	1,099	1,095	1,006	1,006	2,124	2,101	1,105	998
Yolo.....	709	732	703	699	1,412	1,451	561	573
Yuba.....	1,068	1,191	944	1,083	2,012	2,274	1,102	1,026
Totals.....	44,304	48,300	42,527	46,767	86,831	95,067	41,323	42,733

## COUNTIES.

	Number of White Children between eighteen and twenty-one years of age.		Number of White Children under twenty-one years of age born in California.		Number of Children between four and six years of age.		Number Children between four and six years of age attending Pub. Schools.	
	1864.	1865.	1864.	1865.	1864.	1865.	1864.	1865.
Alameda.....	131	145	2,756	3,351	665	729	148	126
Alpine.....	9	7	230	204	81	37	.....	19
Amador.....	104	77	2,279	1,987	539	457	137	155
Butte.....	118	96	1,400	1,757	383	462	118	98
Calaveras.....	130	73	2,336	2,765	590	544	158	166
Colusa.....	42	24	435	522	95	105	24	14
Contra Costa.....	64	72	1,993	1,825	345	300	68	78
Del Norte.....	2	8	156	223	40	58	13	20
El Dorado.....	158	117	2,543	3,010	630	636	202	179
Fresno.....	2	6	143	171	18	23	9	9
Humboldt.....	15	38	761	911	168	212	67	134
Klamath.....	.....	2	81	107	17	23	2	6
Lake.....	22	22	535	535	96	96	24	24
Lassen.....	15	14	181	236	49	69	7	26
Los Angeles.....	87	174	2,612	3,081	421	414	120	148
Marin.....	42	47	604	942	142	214	51	64
Mariposa.....	31	24	1,019	991	255	227	72	52
Mendocino.....	39	58	974	1,258	212	297	48	84
Merced.....	14	22	284	417	39	94	10	20
Monterey.....	147	57	2,056	2,025	254	273	59	72
Napa.....	95	89	1,465	1,498	315	322	54	69
Nevada.....	158	124	2,861	3,258	675	623	100	201

Placer.....	66	101	1,959	2,083	459	524	226	204
Plumas.....	9	20	439	550	104	128	16	24
Sacramento.....	195	244	4,082	4,592	891	973	230	273
San Bernardino.....	40	66	1,042	1,138	186	251	58	46
San Diego.....	15	17	362	369	80	.....	6	.....
San Francisco.....	1,157	1,291	18,321	21,123	3,747	3,995	.....	604
San Joaquin.....	188	205	2,950	3,246	718	777	125	254
San Luis Obispo.....	18	12	1,062	732	131	137	5	17
San Mateo.....	71	27	958	1,105	178	238	50	40
Santa Barbara.....	65	72	1,726	2,021	278	131	51	36
Santa Clara.....	254	269	8,111	3,515	793	964	192	261
Santa Cruz.....	58	60	1,931	1,986	406	320	74	119
Shasta.....	34	55	816	888	225	231	86	80
Sierra.....	48	23	1,244	1,311	286	292	102	116
Siskiyou.....	39	441	987	138	246	287	77	92
Solano.....	120	134	2,283	2,416	537	440	105	120
Sonoma.....	282	367	4,032	4,967	936	1,003	251	326
Stanislaus.....	14	21	555	641	92	155	28	49
Sutter.....	41	81	1,064	1,101	258	281	68	98
Tehama.....	32	27	548	571	133	178	32	42
Trinity.....	11	21	365	516	92	121	37	52
Tulare.....	39	30	808	765	162	168	35	69
Tuolumne.....	48	64	2,398	2,480	473	480	129	174
Yolo.....	62	87	1,184	1,295	306	268	81	77
Yuba.....	102	111	2,083	2,229	420	444	68	117
Totals.....	4,443	5,142	80,714	92,879	18,136	19,001	3,723	5,054

## COUNTIES.

	Total number of Children reported as attending Public Schools.		Total number of Children reported as attending Private Schools.		Number Children between 6 and 18 years of age not attending any School.		Number Indian Children.
	1864.	1865.	1864.	1865.	1864.	1865.	
Alameda .....	893	1,245	438	530	652	569	47
Alpine .....	73	95	19	.....	155	139	.....
Amador .....	1,005	1,040	193	108	604	485	140
Butte .....	881	1,159	166	112	327	408	70
Calaveras .....	959	1,083	235	238	659	788	119
Colusa .....	231	207	19	53	79	153	19
Contra Costa .....	679	673	117	80	496	494	27
Del Norte .....	98	141	.....	.....	27	32	35
El Dorado .....	1,370	1,655	153	143	491	713	129
Fresno .....	45	80	23	24	59	76	113
Humboldt .....	379	527	45	40	120	214	78
Klamath .....	15	24	.....	3	13	13	134
Lake .....	243	243	27	27	152	152	500
Lassen .....	102	133	4	15	114	116	81
Los Angeles .....	510	565	301	324	1,079	1,119	2
Marin .....	360	434	143	147	171	141	334
Mariposa .....	432	382	53	51	258	228	21
Mendocino .....	396	703	116	22	160	289	40
Merced .....	175	188	.....	18	21	127	309
Monterey .....	431	436	89	137	729	732	1
Napa .....	667	882	167	177	322	322	62
Nevada .....	983	1,295	437	597	805	935	110
Totals .....							74

Placer .....	819	1,068	45	244	532	267	50	64
Plumas .....	110	182	24	30	170	243	170	.....
Sacramento .....	2,194	2,738	430	507	885	776	41	37
San Bernardino .....	342	465	61	83	444	459	25	134
San Diego .....	48	37	.....	34	249	.....	1,717	1,325
San Francisco .....	6,561	7,805	4,823	5,450	2,653	3,065	55	50
San Joaquin .....	1,922	2,309	298	259	512	426	21	5
San Luis Obispo .....	106	103	20	.....	730	375	47	50
San Mateo .....	347	407	78	51	226	220	18	2
Santa Barbara .....	171	282	16	28	893	737	73	112
Santa Clara .....	1,619	1,941	602	770	1,082	879	63	107
Santa Cruz .....	658	717	128	109	575	561	39	45
Shasta .....	493	506	88	8	193	282	105	160
Sierra .....	495	629	50	57	228	314	2	19
Siskiyou .....	420	469	230	65	147	186	60	50
Solano .....	1,020	1,184	272	313	517	241	45	32
Sonoma .....	2,246	2,710	358	571	851	1,171	151	193
Stanislaus .....	153	277	11	24	197	118	28	23
Sutter .....	524	740	50	97	311	217	22	11
Tehama .....	214	343	104	75	201	131	148	157
Trinity .....	236	243	7	29	76	58	61	50
Tulare .....	190	540	106	110	446	315	362	452
Tuolumne .....	873	932	284	215	569	479	99	107
Yolo .....	582	705	120	92	335	207	48	34
Yuba .....	905	854	382	411	327	519	58	63
Totals .....	34,175	41,376	11,359	12,478	20,847	20,441	5,987	5,920



## COUNTIES.

	Number of Mongolian Children.		Number of Negro Children.		Number of Deaf and Dumb.		Number of Blind.
	1864.	1865.	1864.	1865.	1864.	1865.	
Alameda.....	13	5	28	21	1	2	.....
Alpine.....	.....	1	.....	1	.....	.....	.....
Amador.....	9	14	17	25	.....	.....	4
Butte.....	16	16	6	19	4	2	1
Butte.....	11	10	8	6	1	.....	2
Calaveras.....	.....	2	5	13	1	.....	.....
Colusa.....	9	3	.....	.....	2	.....	.....
Contra Costa.....	.....	4	1	3	.....	.....	1
Del Norte.....	24	17	57	51	1	3	.....
El Dorado.....	.....	.....	3	.....	.....	.....	.....
Fresno.....	.....	2	.....	.....	.....	.....	.....
Humboldt.....	.....	18	.....	.....	.....	.....	.....
Klamath.....	1	1	.....	38	2	2	1
Lake.....	1	.....	24	.....	2	.....	1
Los Angeles.....	6	4	4	.....	.....	.....	.....
Marin.....	15	11	9	21	1	.....	1
Mariposa.....	.....	1	1	.....	.....	.....	.....
Mendocino.....	2	.....	2	5	5	3	.....
Merced.....	6	.....	5	4	1	2	.....
Monterey.....	16	8	15	14	1	.....	.....
Napa.....	92	49	34	60	3	1	2
Nevada.....	23	53	8	8	.....	1	2
Placer.....	.....	.....	.....	.....	.....	.....	.....

Plumas.....	2	.....	49	105	2	5	.....	1
Sacramento.....	40	56	7	10	1	1	.....	1
San Bernardino.....	4	.....	7	7	.....	2	.....	.....
San Diego.....	133	.....	269	191	28	45	25	24
San Francisco.....	434	279	43	33	3	4	1	.....
San Joaquin.....	3	6	4	4	.....	.....	.....	.....
San Mateo.....	10	34	1	.....	1	1	.....	2
Santa Barbara.....	2	.....	22	42	.....	2	.....	1
Santa Clara.....	3	10	10	9	.....	2	.....	3
Santa Cruz.....	.....	1	16	17	1	.....	1	1
Shasta.....	7	14	9	11	.....	.....	.....	.....
Sierra.....	15	21	13	19	.....	.....	.....	.....
Siskiyou.....	11	21	13	7	2	1	.....	1
Solano.....	2	2	13	23	3	5	3	2
Sonoma.....	2	14	23	20	1	.....	.....	.....
Stanislaus.....	5	2	.....	5	.....	.....	.....	.....
Sutter.....	3	2	4	14	.....	.....	.....	.....
Tehama.....	7	2	4	9	.....	.....	.....	.....
Trinity.....	13	18	18	6	1	1	1	1
Tulare.....	.....	1	30	22	.....	.....	.....	.....
Tuolumne.....	13	10	5	4	.....	2	.....	.....
Yolo.....	1	4	39	58	1	2	1	2
Yuba.....	33	24	.....	.....	.....	.....	.....	.....
Totals.....	987	733	831	895	67	49	48	55

STATEMENT by counties of statistics from returns of Public School Teachers and Public School Trustees, for the School Years ending August thirty-first, eighteen hundred and sixty-four and eighteen hundred and sixty-five.

COUNTIES.	Whole number of Boys enrolled on Public School Register.		Whole number of Girls enrolled on Public School Register.		Total number of Pupils enrolled on Public School Register.		Average number belonging.	
	1864.	1865.	1864.	1865.	1864.	1865.	1864.	1865.
Alameda.....	657	842	486	733	1,143	1,575	640	857
Alpine.....	25	48	48	46	73	94	32	74
Amador.....	754	729	569	595	1,323	1,315	768	883
Butte.....	597	772	511	657	1,108	1,429	717	975
Calaveras.....	551	675	472	601	1,023	1,276	630	791
Colusa.....	123	153	134	120	257	273	187	175
Contra Costa.....	497	558	402	492	899	1,050	604	637
Del Norte.....	62	97	49	68	111	165	158	121
El Dorado.....	1,057	1,122	949	1,085	2,006	2,207	1,291	1,289
Fresno.....	34	47	19	33	53	80	36	53
Humboldt.....	220	327	170	242	390	569	327	408
Klamath.....	15	11	15	14	30	25	24	18
Lake.....	158	158	144	144	302	302	231	231
Lassen.....	67	105	69	105	136	210	88	136
Los Angeles.....	396	399	310	370	706	769	362	391
Marin.....	223	204	159	151	382	355	286	288
Mariposa.....	257	222	217	207	474	429	282	270
Mendocino.....	338	514	215	373	583	887	378	375

Merced.....	92	126	64	98	156	224	115	120
Monterey.....	305	367	180	231	485	598	335	375
Napa.....	388	479	338	430	726	909	465	549
Nevada.....	752	954	582	742	1,334	1,696	800	945
Placer.....	683	677	572	594	1,255	1,271	1,100	800
Plumas.....	67	79	83	80	150	159	88	97
Sacramento.....	1,900	2,101	1,550	1,801	3,450	3,902	2,014	2,400
San Bernardino.....	223	242	192	229	415	471	302	226
San Diego.....	18	20	24	34	42	54	42	34
San Francisco.....	6,078	4,283	4,903	3,602	10,981	7,885	5,889	7,239
San Joaquin.....	1,545	1,563	1,209	1,333	2,754	2,896	1,613	1,865
San Luis Obispo.....	58	76	48	94	106	170	59	79
San Mateo.....	498	300	197	239	695	539	314	356
Santa Barbara.....	98	137	99	175	197	312	47	213
Santa Clara.....	1,233	1,382	930	1,065	2,163	2,447	1,348	1,489
Santa Cruz.....	445	476	362	411	807	887	501	584
Shasta.....	287	331	315	322	602	653	407	581
Sierra.....	325	397	305	361	630	758	450	448
Siskiyou.....	253	386	231	337	484	723	343	486
Solano.....	781	817	603	681	1,384	1,498	817	944
Sonoma.....	1,374	1,856	1,194	1,598	2,568	3,454	1,805	2,354
Stanislaus.....	114	191	102	177	216	368	142	227
Sutter.....	403	385	331	336	734	721	486	545
Tehama.....	194	271	163	188	357	459	247	278
Trinity.....	128	154	127	147	255	301	192	231
Tulare.....	293	267	217	219	510	486	181	200
Tuolumne.....	499	623	417	525	916	1,148	619	784
Yolo.....	612	486	522	414	1,134	900	642	653
Yuba.....	633	703	450	487	1,083	1,190	657	772
Totals.....	26,310	27,103	21,278	22,986	47,588	50,089	29,061	33,706

## COUNTIES.

	Average daily attendance.		Total number days attendance, taken from School Register.		Total number days absence, taken from School Reg.		Total number times tardy, taken from School Reg.	
	1864.	1865.	1864.	1865.	1864.	1865.	1864.	1865.
Alameda .....	473	756	91,264	122,155	13,639	16,321	7,852	8,438
Alpine .....	32	69	.....	5,950	.....	612	.....	539
Amador .....	648	738	88,249	102,317	16,997	20,905	7,025	4,778
Butte .....	619	839	72,739	95,188	9,738	1,026	6,842	8,299
Calaveras .....	265	694	63,000	78,170	6,613	8,426	5,828	10,750
Colusa .....	161	151	18,400	19,998	1,994	2,718	657	1,147
Contra Costa .....	517	520	40,281	48,348	7,942	5,704	3,162	3,165
Del Norte .....	140	110	9,950	9,747	1,027	1,381	1,418	577
El Dorado .....	1,052	1,152	248,630	201,003	38,129	24,767	10,164	11,852
Fresno .....	28	44	1,720	4,016	497	792	18	73
Humboldt .....	278	341	18,038	37,535	3,151	7,006	1,672	6,894
Klamath .....	23	17	1,543	3,502	66	201	48	5
Lake .....	196	196	12,478	12,478	2,269	2,269	510	510
Lassen .....	78	107	.....	11,425	.....	4,115	.....	164
Los Angeles .....	323	338	46,377	57,601	6,690	9,581	1,326	6,293
Marin .....	244	306	21,268	24,942	4,119	2,550	690	997
Mariposa .....	253	272	19,229	27,832	5,683	3,946	3,232	1,189
Mendocino .....	317	495	33,048	53,563	4,378	6,953	1,420	3,351
Merced .....	93	104	9,970	15,104	1,931	1,509	790	79
Monterey .....	281	314	30,607	43,265	6,286	6,541	3,660	6,007
Napa .....	397	499	47,974	65,307	7,906	6,357	4,115	4,461
Nevada .....	742	828	73,539	122,282	9,850	13,934	13,157	8,464

Placer .....	965	718	90,641	99,313	15,146	18,151	7,161	6,235
Plumas .....	72	87	7,385	12,026	2,528	2,260	294	478
Sacramento .....	1,702	1,990	260,053	342,616	52,407	64,084	20,502	22,256
San Bernardino .....	232	195	29,066	41,607	8,817	7,749	502	2,154
San Diego .....	28	33	6,676	.....	447	.....	1,898	.....
San Francisco .....	5,229	6,718	1,045,157	1,044,851	70,507	77,263	39,278	39,026
San Joaquin .....	1,357	1,624	188,567	250,617	27,674	23,007	15,871	11,657
San Luis Obispo .....	49	72	5,086	12,335	1,074	2,358	313	579
San Mateo .....	268	213	35,108	48,163	6,688	6,722	3,457	5,984
Santa Barbara .....	38	156	5,512	30,305	1,275	14,351	.....	7,101
Santa Clara .....	1,174	1,309	97,840	104,347	21,311	21,049	8,790	11,770
Santa Cruz .....	450	519	57,697	54,992	7,650	6,910	4,264	5,060
Shasta .....	354	436	26,129	42,753	6,328	16,026	3,670	5,792
Sierra .....	406	398	37,524	68,625	3,122	7,267	4,702	4,533
Siskiyou .....	301	280	25,216	46,583	3,533	7,386	2,622	2,714
Solano .....	710	833	90,677	98,249	12,524	13,189	6,917	10,152
Sonoma .....	1,553	2,030	160,437	245,987	18,649	32,001	8,796	11,372
Stanislaus .....	106	196	14,586	25,053	1,510	3,407	545	604
Sutter .....	394	412	35,846	.....	6,698	.....	453	.....
Tehama .....	181	237	22,329	34,343	11,125	8,751	2,039	1,807
Trinity .....	168	203	15,508	22,425	2,139	2,547	1,923	1,630
Tulare .....	159	164	15,721	25,733	2,778	4,774	865	795
Tuolumne .....	549	690	69,922	79,222	8,715	8,876	13,110	8,945
Yolo .....	554	555	87,071	62,108	10,792	10,953	6,109	6,576
Yuba .....	545	634	65,677	66,486	12,387	16,783	3,249	6,469
Totals .....	24,704	29,592	3,449,435	3,910,547	464,219	523,478	230,916	261,691

## COUNTIES.

	Number attending School between four and six years of age.		Number pupils studying history of the United States.		Number pupils study- ing physiology and hygiene.		Number of visits made by School Trustees.	
	1864.	1865.	1864.	1865.	1864.	1865.	1864.	1865.
Alameda .....	100	128	59	151	30	74	120	96
Alpine .....	22	19	14	14	.....	17	.....	11
Amador .....	108	94	52	70	39	58	108	114
Butte .....	102	87	41	54	1	19	143	143
Calaveras .....	185	121	67	49	20	27	119	80
Colusa .....	27	35	4	4	3	.....	31	38
Contra Costa .....	59	46	46	41	28	12	60	114
Del Norte .....	18	15	16	8	2	11	24	6
El Dorado .....	231	179	177	252	58	157	143	299
Fresno .....	9	9	5	6	.....	.....	12	10
Humboldt .....	50	42	24	35	2	2	60	26
Klamath .....	4	6	.....	.....	5	5	.....	3
Lake .....	23	23	.....	.....	6	6	20	20
Lassen .....	7	35	2	12	2	6	28	12
Los Angeles .....	28	36	25	49	18	25	110	132
Marin .....	21	29	14	11	5	5	100	.....
Mariposa .....	64	31	34	61	.....	17	22	22
Mendocino .....	75	63	.....	16	8	15	90	113
Merced .....	8	24	10	23	3	12	46	32
Monterey .....	52	57	3	30	27	24	96	75
Napa .....	52	56	15	29	14	20	83	103
Nevada .....	136	137	68	162	127	177	157	213

Placer .....	179	138	63	30	7	21	99	136
Plumas .....	19	60	17	16	.....	.....	6	28
Sacramento .....	349	400	229	285	100	307	240	219
San Bernardino .....	36	43	23	15	.....	4	26	22
San Diego .....	6	.....	.....	.....	.....	.....	6	14
San Francisco .....	331	203	525	860	525	596	146	785
San Joaquin .....	4	18	92	267	26	247	210	424
San Luis Obispo .....	49	56	44	41	25	24	5	5
San Mateo .....	8	62	4	7	.....	6	26	46
Santa Barbara .....	190	144	82	185	72	173	38	53
Santa Clara .....	74	55	71	117	104	60	205	294
Santa Cruz .....	68	94	12	42	.....	22	58	59
Shasta .....	166	152	26	26	.....	1	42	74
Sierra .....	96	89	.....	.....	.....	.....	28	73
Siskiyou .....	152	156	111	105	30	36	30	50
Solano .....	196	241	148	190	116	188	99	126
Sonoma .....	29	45	13	15	.....	4	224	276
Stanislaus .....	53	.....	.....	.....	.....	.....	19	42
Sutter .....	50	43	7	17	26	.....	79	26
Tehama .....	34	66	32	28	.....	25	39	44
Trinity .....	44	22	6	41	3	1	18	34
Tulare .....	134	126	60	6	.....	37	18	47
Tuolumne .....	81	60	37	29	.....	7	52	74
Yolo .....	79	97	124	149	14	7	98	71
Yuba .....	.....	.....	.....	.....	.....	172	115	.....
Totals .....	3,735	3,642	2,384	3,552	1,471	2,627	3,498	4,684

## COUNTIES.

	Number School visits made by other persons than Trustees.		Districts using the entire State series of text books.		Number free Public Schools maintain'd without rate bills.		Number Districts which have voted a District tax.	
	1864.	1865.	1864.	1865.	1864.	1865.	1864.	1865.
Alameda .....	189	425	.....	25	.....	1	.....	5
Alpine.....	20	18	.....	1	.....	2	.....	.....
Amador.....	294	462	1	27	3	6	1	3
Butte.....	457	680	2	30	11	14	2	6
Calaveras .....	279	541	6	20	2	6	1	7
Colusa.....	61	160	1	12	5	10	1	3
Contra Costa.....	232	401	3	21	10	13	3	1
Del Norte.....	129	48	2	4	.....	1	2	.....
El Dorado.....	1,090	1,381	5	38	20	17	5	11
Fresno.....	77	77	.....	2	2	2	.....	.....
Humboldt.....	124	40	.....	1	3	12	.....	1
Klamath.....	9	23	.....	1	1	.....	.....	.....
Lake.....	107	107	1	1	2	2	1	1
Lassen.....	51	63	1	1	.....	.....	1	3
Los Angeles .....	185	325	8	9	10	15	8	.....
Marin.....	155	131	.....	1	12	.....	.....	.....
Mariposa .....	45	635	2	.....	6	.....	2	6
Mendocino .....	239	60	.....	4	.....	1	.....	.....
Merced.....	97	268	.....	10	4	7	.....	.....
Monterey.....	240	530	.....	18	7	5	3	5
Napa.....	418	1,033	3	18	.....	.....	.....	.....
Nevada .....	681	.....	.....	.....	.....	.....	.....	.....

Placer.....	319	664	1	30	5	16	1	3
Plumas.....	48	46	.....	5	.....	.....	.....	.....
Sacramento.....	866	1,161	5	33	8	10	5	10
San Bernardino .....	77	44	.....	8	.....	3	.....	.....
San Diego.....	29	2	.....	.....	.....	.....	.....	.....
San Francisco.....	1,779	7,084	.....	.....	24	35	.....	.....
San Joaquin.....	668	1,267	.....	50	17	15	.....	4
San Luis Obispo.....	49	22	.....	.....	3	.....	.....	.....
San Mateo.....	111	159	1	10	8	7	1	2
Santa Barbara.....	30	113	.....	2	3	.....	.....	.....
Santa Clara.....	585	1,123	6	38	10	11	6	2
Santa Cruz.....	349	423	5	16	5	7	5	4
Shasta.....	206	319	.....	20	8	4	.....	1
Sierra.....	216	471	1	16	8	8	1	.....
Siskiyou.....	203	321	.....	14	10	4	.....	.....
Solano.....	509	713	1	15	3	4	1	7
Sonoma.....	999	1,462	4	64	4	.....	4	8
Stanislaus.....	92	222	1	11	2	.....	1	.....
Sutter.....	360	.....	.....	26	.....	.....	.....	3
Tehama.....	81	105	3	10	6	11	3	1
Trinity.....	65	186	.....	1	9	4	.....	5
Tulare.....	89	269	.....	6	.....	.....	.....	.....
Tuolumne .....	156	164	.....	15	12	13	.....	2
Yolo.....	420	373	.....	27	1	8	.....	.....
Yuba.....	165	.....	4	23	15	13	4	4
Totals.....	13,640	24,121	69	683	257	293	69	108

COUNTIES.	Valuation of Schoolhouses and furniture.		Valuation of School Libraries.		Valuation of School apparatus.	
	1864.	1865.	1864.	1865.	1864.	1865.
Alameda.....	\$22,846 15	\$36,204 85	\$8 00	\$138 00	\$185 00	\$365 09
Alpine.....	11,413 30	1,200 00	82 75	228 87	536 50	610 50
Amador.....	7,508 50	13,444 00	60 00	200 00	199 00	238 50
Butte.....	13,125 00	6,814 29	32 00	60 00	433 00	481 49
Calaveras.....	2,820 00	16,075 00	1 50	7 50	152 00	209 50
Colusa.....	2,370 00	2,820 00	165 00	446 00	618 00	8 87
Contra Costa.....	8,890 00	7,800 00	3,378 00	20,739 00	92 85	1,058 50
Del Norte.....	19,064 00	250 00				40 00
El Dorado.....	450 00					60 00
Fresno.....	3,761 00	400 00	11 00	11 00	20 00	20 00
Humboldt.....	250 00	2,235 00			5 00	74 00
Klamath.....	2,235 00	1,915 93				40 00
Lake.....	2,100 00	12,847 00		53 00		30 00
Lassen.....	8,836 00	100 00	468 20	125 00	168 00	10 00
Los Angeles.....	4,883 00	4,800 00	26 00	19 00	110 00	172 00
Marin.....	2,713 75	6,343 11				
Mariposa.....	4,147 00	1,060 00	74 25	137 00	285 00	356 00
Mendocino.....	1,050 00	3,277 00	60 00	132 50	294 00	203 00
Merced.....	2,990 00	12,280 00	5 00	168 00	125 00	580 00
Monterey.....	5,448 00	18,821 00	86 00	61 00	105 00	168 00
Napa.....	1,800 00	13,404 50				
Nevada.....	13,755 11					
Placer.....						

Plumas.....	500 00	1,600 00	169 00	100 00	6 00	1,442 50
Sacramento.....	39,548 00	51,858 75				
San Bernardino.....	2,180 00	1,920 00			5 00	3,000 00
San Diego.....	20 00	700 00				400 00
San Francisco.....	579,190 00	530,000 00	1,500 00	2,500 00	5,000 00	100 00
San Joaquin.....	25,903 00	39,426 00	275 00	106 00	560 09	179 75
San Luis Obispo.....	200 00	250 00	20 00	40 00	75 00	36 42
San Mateo.....	10,960 00	11,640 00		29 25	277 00	858 07
Santa Barbara.....		2,150 00		30 00		
Santa Clara.....	19,438 78	27,582 91		122 00	532 57	
Santa Cruz.....	11,180 12	11,072 00		5 00	281 00	
Shasta.....	2,339 00	2,425 00		8 61		184 25
Sierra.....	5,533 15	5,088 50	70 00	70 00	96 00	261 47
Siskiyou.....	3,528 50	3,735 00			132 00	460 50
Solano.....	12,663 37	16,500 00	100 00	140 00	162 50	210 00
Sonoma.....	27,042 00	44,271 75	167 50		587 10	689 90
Stanislaus.....	2,750 00	4,042 00		810 50	115 00	182 00
Sutter.....	9,432 00	9,950 00			5 00	20 00
Tehama.....	3,890 00	5,185 00			247 00	150 00
Trinity.....	1,950 00	2,040 00			40 00	250 00
Tulare.....	890 00	1,225 00			10 00	
Tuolumne.....	11,382 00	9,300 00	100 00	40 00	288 00	270 00
Yolo.....	9,700 00	9,940 00	5 00	34 00	209 25	163 00
Yuba.....	24,616 00	25,454 00	650 00	650 00	745 00	777 00
Totals.....	\$945,371 73	\$1,004,164 59	\$4,136 10	\$6,472 23	\$13,959 36	\$14,360 31

**FINANCIAL STATEMENT, showing the receipts from all sources of school revenue, for the School Years ending August thirty-first, eighteen hundred and sixty-four and sixty-five.**

COUNTIES.	Balance on hand at beginning School Year—Sept. 1863.		Balance on hand at beginning School Year—Sept. 1864.		Amount of School Fund received from the State.		Amount of School money received from County taxes.	
	1864.	1865.	1864.	1865.	1864.	1865.	1864.	1865.
Alameda.....	\$2,795 36	\$1,602 21	\$3,658 12	\$4,914 02	\$7,853 54	\$8,708 51		
Alpine.....	1,511 20	12 45	3,225 00	539 32	4,213 20	594 60		
Amador.....	2,986 08	1,476 55	2,937 48	3,639 44	6,087 38	3,476 55		
Butte.....		3,388 27	3,923 32	4,791 80	2,365 89	5,121 48		
Calaveras.....		11 66	768 84	836 14	1,574 97	2,531 98		
Colusa.....	1,089 71	1,808 33	2,764 04	3,272 78	2,919 80	1,172 14		
Contra Costa.....	2,699 91	2,064 73	237 36	316 22	313 88	3,393 20		
Del Norte.....	195 08	63 28	4,951 88	5,643 46	7,962 01	779 35		
El Dorado.....	2,794 64	1,544 98	55 04	273 54		9,163 35		
Fresno.....	333 72	301 26	1,204 00	1,476 34		243 57		
Humboldt.....	604 97	1,698 05	139 32	106 70		2,397 15		
Klamath.....	359 81	359 81	447 20	1,162 06		201 25		
Lake.....				686 32		411 42		
Lassen.....						812 75		
Los Angeles.....	2,739 47	7,449 63	4,081 56	4,469 76	5,739 16	2,557 44		
Marin.....	303 64	226 59	1,290 50	1,438 41	2,572 81	1,958 61		
Mariposa.....	1,596 45		1,475 75	1,761 52	1,744 36	1,801 70		
Mendocino.....	760 02	787 42	1,355 36	1,850 76	1,087 44	1,230 66		

Merced.....	2,608 54	283 14	474 72	496 64	1,613 86	1,735 20
Monterey.....	2,391 74	1,875 56	2,700 40	3,080 72	3,524 14	3,387 53
Napa.....	813 97	1,588 33	2,039 92	2,745 10	2,687 32	3,182 97
Nevada.....	4,840 92	2,317 66	3,886 50	5,371 86	5,576 14	9,888 26
Placer.....	182 77	3,478 81	3,283 48	3,761 66	6,549 70	5,329 35
Plumas.....	2,736 86	293 99	884 08	828 38	603 41	886 89
Sacramento.....	688 88	3,562 27	7,757 20	9,566 14	16,123 43	25,051 37
San Bernardino.....	459 09	976 12	1,843 84	2,104 90	565 20	645 23
San Diego.....	5,990 13	721 58	598 56	719 74	329 68	665 56
San Francisco.....	5,820 05	12,040 69	27,912 16	36,371 12	12,076 56	9,649 75
San Joaquin.....	715 29	3,391 49	5,387 04	6,807 46	508 65	846 22
San Luis Obispo.....	2,531 95	395 33	1,259 14	1,738 24	3,161 58	4,334 72
San Mateo.....	2,519 54	2,577 46	1,388 04	1,792 56	636 16	530 90
Santa Barbara.....	3,095 29	1,143 45	1,412 12	3,529 84	5,729 70	12,300 90
Santa Clara.....	1,869 67	1,192 22	6,953 96	8,477 80	2,443 90	2,361 90
Santa Cruz.....	1,423 87	1,077 04	2,752 00	3,451 26	1,471 86	1,976 16
Shasta.....	2,327 50	654 62	1,578 96	1,732 66	4,222 46	4,534 30
Sierra.....	1,348 11	2,776 22	1,786 44	2,007 90	2,779 14	2,737 88
Siskiyou.....	3,580 40	1,637 39	1,355 36	1,714 96	4,841 31	3,397 47
Solano.....	2,274 62	3,080 18	3,731 22	4,764 64	3,385 36	10,024 56
Sonoma.....	857 91	246 89	6,618 84	8,719 84	880 40	386 17
Stanislaus.....	917 31	681 73	883 12	946 72	1,605 50	2,467 12
Sutter.....	930 02	762 96	1,491 88	2,182 50	3,141 98	2,460 05
Tehama.....	646 27	1,913 79	982 12	1,222 20	1,713 11	1,299 18
Trinity.....	220 82	253 69	280 36	711 98	1,203 75	693 63
Tulare.....	2,797 19	1,391 54	1,437 92	1,792 56	2,405 05	1,772 78
Tuolumne.....	1,315 11	1,179 48	3,168 24	4,120 56	3,700 88	3,112 85
Yolo.....	8,152 93	798 98	2,614 40	2,731 58	4,684 23	4,622 06
Yuba.....		10,435 95	3,273 16	3,845 08		
Totals.....	\$104,889 42	\$85,523 78	\$132,217 85	\$168,828 71	\$144,876 51	\$166,839 67



COUNTIES.	Amount of money received from City taxes.		Amount of money received from District taxes.		Amount of money received from miscellaneous sources.	
	1864.	1865.	1864.	1865.	1864.	1865.
Alameda.....		\$500 00	\$11,312 78	\$9,780 56		\$379 58
Alpine.....			800 00	1,528 82	\$5 00	
Amador.....			1,022 21	1,493 43	124 64	322 79
Butte.....			4,298 32	6,758 62	303 31	1,212 39
Calaveras.....			806 35			99 41
Colusa.....			2,500 00	1,525 11	1,194 66	294 43
Contra Costa.....			841 40	215 60		520 93
Del Norte.....			269 33	3,935 56	1,217 04	994 15
El Dorado.....	\$4,462 13	2,241 31			95 50	69 00
Fresno.....						
Humboldt.....	600 00	600 00		254 92	14 50	
Klamath.....						
Lake.....			936 00	1,878 98	427 20	
Lassen.....	1,954 52	1,273 19				
Los Angeles.....			220 00	1,915 95		94 30
Marin.....			701 55	898 53		213 78
Mariposa.....						
Mendocino.....						
Merced.....						
Monterey.....			1,203 16	6,947 97	8 50	250 93
Napa.....				919 46		380 96
Nevada.....			520 00	578 00	870 30	99 79
Placer.....						

Plumas.....	15,933 52	13,982 19	1,043 88	2,736 22	3,709 35	9,137 90
Sacramento.....			2,131 26	3,210 05		
San Bernardino.....						
San Diego.....	115,987 99	223,489 41			74,557 00	74,960 92
San Francisco.....	3,545 00	22,379 06	409 10	505 85	65 75	175 87
San Joaquin.....						
San Luis Obispo.....	1,000 00			2,417 45	483 98	2,144 14
San Mateo.....					53 25	
Santa Barbara.....	4,988 79	5,261 36	3,045 26	7,204 75	5,706 40	1,171 72
Santa Clara.....			5,057 18	2,535 23		250 00
Santa Cruz.....				152 37	145 25	
Shasta.....			272 48			
Sierra.....						
Siskiyou.....				1,266 91	910 91	505 84
Solano.....			1,203 35	2,821 61	508 91	494 09
Sonoma.....			5,166 28	3,914 28		1,221 46
Stanislaus.....				942 00	102 49	41 60
Sutter.....				484 28		
Tehama.....			800 24	1,390 85		514 91
Trinity.....			450 00	1,218 58		
Tulare.....						
Tuolumne.....		719 29		200 00	50 00	
Yolo.....				629 03	150 77	
Yuba.....	6,440 51	3,407 50	302 90	891 18		
Totals.....	\$154,912 46	\$273,853 34	\$45,313 03	\$71,152 15	\$90,705 21	\$95,550 89

TABLE 12.

FINANCIAL STATEMENT showing school expenditures for the school years ending August thirty-first, eighteen hundred and sixty-four and eighteen hundred and sixty-five.

COUNTIES.	Amount paid for Teachers' salaries.		Amount expended for sites, buildings, repairs, and school furniture.				Amount expended for School Libraries.		Am't expended for School apparatus.	
	1864.	1865.	1864.	1865.	1864.	1865.	1864.	1865.	1864.	1865.
Alameda.....	\$13,464 90	\$15,435 16	\$14,623 56	\$6,641 60	\$17 00	\$10 00	\$87 12	\$151 89		
Alpine.....	1,198 49	1,198 49	1,605 71	1,848 13	18 37	27 98	74 50	69 25		
Anaador.....	12,085 71	12,085 71	570 94	2,410 94	25 00	14 87	15 00	71 00		
Bute.....	9,098 41	12,209 44	682 17	4,353 16	17 00	60 00	102 87	196 65		
Calaveras.....	10,021 71	10,732 90	70 63	149 19						
Colusa.....	2,240 10	3,190 73	3,105 53	936 31						
Contra Costa.....	8,255 53	9,365 87	841 40	487 60						
D-3 Norte.....	909 25	1,783 74	4,632 01	2,823 78						
El Dorado.....	20,514 00	22,431 08		621 92						
Fresno.....	150 00	623 32	152 99	104 00						
Humboldt.....	3,322 38	4,294 69		8 00						
Klamath.....	470 00	790 00		1,325 42						
Lake.....	1,447 17	1,447 17	1,336 00	423 44						
Lassen.....	812 72	1,835 38	2,110 77							
Los Angeles.....	6,491 82	10,403 10	1,155 89							
Marin.....	3,091 75	3,904 00	563 25	1,686 00						
Mariposa.....	3,315 40	3,629 42	828 50	1,088 18						
Mendocino.....	3,890 00	6,410 56	663 84	118 40						
Merced.....	1,120 00	2,782 90	723 00							
Monterey.....	6,696 87	6,233 00	322 95	7,031 23						
Napa.....	7,329 79	7,388 06	860 45	4,175 42						
Nevada.....	10,752 27	17,862 71	4,239 58							
Placer.....	12,070 87	14,458 43	4,579 87	1,092 00						
Plumas.....	2,082 61	2,815 00	1,013 88	2,000 00						
Sacramento.....	31,778 71	34,321 61	6,311 96	21,155 94						
San Bernardino.....	2,609 37	3,415 72	186 62	189 85						
San Diego.....	617 50	680 00		521 32						
San Francisco.....	90,717 80	131,699 88	83,310 38	141,066 89						
San Jacinto.....	24,338 44	25,383 84	2,118 86	20,336 46						
San Luis Obispo.....	1,150 00	1,800 00	40 00	30 12						
San Mateo.....	4,332 07	6,217 33	4,238 96	2,788 96						
Santa Barbara.....	2,705 00	2,385 00	490 75	15 00						
Santa Clara.....	21,030 21	24,998 78	7,601 95	7,948 20						
Santa Cruz.....	5,412 85	6,002 75	5,721 85	2,021 90						
Shasta.....	3,892 97	4,970 11	918 58	68 50						
Sierra.....	6,561 16	9,375 11	1,236 75	1,268 19						
Siskiyou.....	5,094 52	7,222 89	472 50	601 00						
Solano.....	12,195 36	10,397 06	2,337 14	3,663 41						
Sonoma.....	18,629 66	27,636 15	2,811 99	6,814 15						
Stanislaus.....	2,414 21	3,723 40	40 00	1,178 48						
Sutter.....	3,851 78	6,545 05	107 75	1,235 25						
Tehama.....	3,302 62	4,393 95	967 70	1,235 25						
Trinity.....	2,396 43	2,875 48	372 75	192 95						
Tulare.....	2,400 99	4,077 79	341 40	791 00						
Tuolumne.....	6,400 02	7,475 11	1,386 71	391 17						
Yolo.....	9,406 05	8,632 63	1,204 90	732 94						
Yuba.....	11,184 95	15,426 58	963 02	922 10						
Totals.....	\$411,101 01	\$526,586 14	\$167,393 44	\$237,804 98	\$1,132 21	\$5,792 01	\$6,010 84	\$3,777 86		

TABLE 12—Continued.

COUNTIES.	Amount expended for rent, fuel, and contingent expenses.		Total expenditures for School pur- poses.		Balance on hand at close of the School Year.	
	1864.	1865.	1864.	1865.	1864.	1865.
Alameda.....	\$285 17	\$546 45	\$28,477 75	\$22,785 10	\$555 15	\$7,272 86
Alpine.....	404 21	90 00	13,743 51	1,316 47	949 54	19 90
Amador.....	40 26	574 69	9,749 61	14,892 65	5,091 42	819 67
Butte.....	648 78	330 20	11,472 60	15,878 31	4,102 41	1,895 96
Calaveras.....	217 17	515 60	2,527 90	3,436 59	1,984 17	2,075 28
Colusa.....	137 55	433 71	11,885 61	10,767 26	2,036 84	479 43
Contra Costa.....	80 33	114 25	1,830 98	2,394 46	139 74	1,633 81
Del Norte.....	1,089 49	1,236 51	26,669 56	26,815 87	1,503 33	330 13
El Dorado.....	13 00	26 13	163 00	619 45	321 26	1,549 22
Fresno.....	122 00	125 00	3,636 37	5,159 21	1,205 14	237 92
Humboldt.....	17 50	26 00	487 50	920 00	19 60	1,740 76
Klamath.....	5 10	5 10	1,602 42	1,802 42	378 31	1,093 17
Lassen.....	10 00	292 95	2,158 72	3,727 75	131 40	4,445 48
Los Angeles.....	119 00	500 00	8,727 59	11,350 54	5,787 12	250 03
Marin.....	55 00	327 08	4,320 64	3,904 00	236 59	368 85
Mariposa.....	91 00	119 85	4,406 85	5,727 94	1,008 91	67 17
Mendocino.....	69 71	53 19	4,874 21	7,644 34	863 58	955 93
Moreno.....	15 55	403 13	7,035 37	7,467 88	1,875 56	2,056 98
Monterey.....	281 51	579 91	8,649 50	15,689 44	1,588 33	1,988 82
Napa.....	104 25	657 00	15,322 10	23,011 68	588 73	1,364 85
Nevada.....	569 15	357 92	17,451 64	15,944 41	3,369 53	312 04
Placer.....	83 95	200 84	3,218 44	5,015 84	501 13	4,282 05
Plumas.....	4,792 59	5,689 77	43,265 26	61,792 20	3,126 36	925 25
Sacramento.....	71 63	99 50	2,867 62	3,715 07	721 12	805 56
San Bernardino.....	48 25	60,012 31	605 75	1,211 32	16,035 41	.....
San Diego.....	51,177 35	707 46	228,411 87	346,862 17	3,701 91	944 28
San Francisco.....	1,466 70	.....	28,132 10	46,512 95	.....	.....
San Joaquin.....	.....	.....	.....	.....	.....	.....
San Luis Obispo.....	180 00	175 00	1,433 00	2,095 12	1,049 98	1,484 67
San Mateo.....	160 75	93 98	8,756 78	9,106 27	2,578 52	4,365 06
Santa Barbara.....	678 17	344 12	3,373 92	2,780 12	1,274 15	2,424 07
Santa Clara.....	1,046 80	2,337 20	20,983 65	35,701 56	6,543 58	3,687 39
Santa Cruz.....	480 04	167 06	11,799 95	8,209 71	1,378 75	2,576 22
Shasta.....	61 11	136 05	4,946 27	5,174 66	748 36	330 79
Sierra.....	500 55	289 08	8,454 46	11,100 95	2,770 22	1,720 38
Siskiyou.....	332 19	1,109 09	5,922 21	9,155 48	1,627 39	1,532 24
Solano.....	570 00	551 13	15,258 33	17,905 50	3,080 18	519 35
Sonoma.....	711 47	1,289 14	22,294 12	35,998 64	4,808 21	705 51
Stanislaus.....	95 01	75 60	2,540 22	5,089 98	683 73	81 83
Sutter.....	82 70	93 50	4,042 23	7,283 03	1,913 79	701 64
Tehama.....	132 75	208 55	4,504 32	5,837 75	1,703 55	214 38
Trinity.....	158 75	185 75	2,050 55	3,269 05	247 69	712 19
Tulare.....	97 80	117 75	2,808 19	4,997 54	454 55	342 44
Tuolumne.....	238 32	214 39	8,116 05	8,105 67	1,185 63	796 11
Yolo.....	142 81	233 00	10,801 39	9,598 57	796 98	7,769 29
Yuba.....	1,784 94	1,414 36	14,127 91	17,876 57	9,797 02	.....
Totals.....	\$69,562 36	\$89,056 57	\$655,198 86	\$883,116 56	\$101,800 14	\$69,813 91

TABLE 13.

MISCELLANEOUS STATISTICS for the school years ending August thirty-first, eighteen hundred and sixty-four and eighteen hundred and sixty-five.

COUNTIES.	Whole number of Primary Schools.		Whole number Intermediate Schools.		Whole number of Ungraded Schools.		Whole number of Grammar Schools.		Total number of Schools.		Total number School Districts.	
	1864.	1865.	1864.	1865.	1864.	1865.	1864.	1865.	1864.	1865.	1864.	1865.
Alameda.....	7	12	1	1	15	15	1	1	24	29	23	25
Alpine.....	8	11	.....	.....	1	2	.....	.....	1	4	3	4
Amador.....	18	20	2	1	16	15	5	3	29	29	25	27
Butte.....	2	1	.....	.....	7	18	1	2	28	41	27	30
Calaveras.....	8	12	1	1	19	20	.....	.....	21	22	19	20
Colusa.....	1	2	.....	.....	3	24	.....	.....	11	13	15	12
Contra Costa.....	1	2	1	2	21	24	.....	.....	23	28	20	26
Del Norte.....	12	6	1	3	29	33	4	2	45	43	39	39
El Dorado.....	2	2	3	2	10	10	1	1	12	12	11	11
Fresno.....	1	1	2	.....	1	1	.....	.....	1	1	.....	.....
Humboldt.....	7	7	.....	.....	1	2	.....	.....	7	7	7	7
Klamath.....	1	2	.....	.....	1	3	.....	.....	2	4	5	8
Lake.....	7	10	.....	.....	10	11	3	2	11	15	8	9
Lassen.....	7	2	.....	.....	1	2	.....	.....	13	13	12	13
Los Angeles.....	2	2	.....	.....	2	5	.....	.....	16	19	15	18
Marin.....	5	8	5	.....	7	2	.....	.....	5	5	4	4
Mariposa.....	12	14	2	.....	1	4	.....	.....	10	10	10	10
Mendocino.....	4	1	.....	.....	16	15	.....	.....	18	19	18	20
Merced.....	3	8	.....	.....	21	23	1	.....	26	28	21	22
Monterey.....	2	2	2	1	.....	.....	.....	.....	30	32	31	31
Napa.....	2	3	.....	.....	15	6	.....	.....	.....	.....	.....	.....
Nevada.....	15	23	2	.....	.....	.....	.....	.....	.....	.....	.....	.....
Placer.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

Plumas.....	4	9	3	3	43	47	1	2	4	6	4	8
Sacramento.....	6	7	.....	.....	7	9	1	.....	10	10	42	45
San Bernardino.....	2	.....	.....	.....	.....	1	1	.....	1	1	1	1
San Diego.....	1	.....	.....	.....	.....	5	6	7	21	34	12	12
San Francisco.....	16	19	.....	.....	49	51	1	3	55	61	53	56
San Joaquin.....	2	5	3	2	.....	3	.....	.....	2	3	2	2
San Luis Obispo.....	2	.....	.....	.....	.....	.....	.....	.....	11	11	10	10
San Mateo.....	8	1	.....	.....	3	10	.....	.....	4	4	3	3
San Santa Barbara.....	1	2	.....	1	3	1	.....	.....	4	4	4	4
San Santa Clara.....	12	2	4	2	30	43	1	2	47	49	40	43
Santa Cruz.....	12	11	.....	1	2	5	.....	.....	14	18	12	14
Shasta.....	18	1	.....	.....	.....	20	1	1	19	22	21	21
Sierra.....	16	16	1	.....	.....	2	.....	.....	17	19	16	18
Siskiyou.....	7	5	.....	1	9	12	1	1	17	19	15	18
Solano.....	15	.....	.....	.....	9	24	1	1	25	25	24	26
Sonoma.....	25	45	3	3	24	19	7	4	61	73	58	64
Stanislaus.....	2	2	.....	4	5	5	.....	.....	7	11	8	11
Sutter.....	8	22	10	4	7	.....	.....	.....	25	26	20	26
Tehama.....	9	2	.....	.....	.....	7	1	2	10	11	10	10
Trinity.....	8	9	.....	.....	6	9	1	1	9	10	8	9
Tulare.....	1	1	.....	1	1	.....	.....	.....	6	11	3	6
Tuolumne.....	9	6	.....	8	1	.....	2	2	12	16	11	15
Yelo.....	17	3	.....	.....	8	22	.....	.....	25	28	23	27
Yuba.....	3	3	1	2	21	24	2	1	27	30	23	24
Totals.....	321	324	39	43	424	530	43	44	832	947	759	831

TABLE 13—Continued.

COUNTIES.	Number School-houses which disgrace the State.		Number of new Schoolhouses erected.		Cost of new School-houses.		Number Male Teachers.		Number Female Teachers.		Total number Teachers.	
	1864.	1865.	1864.	1865.	1864.	1865.	1864.	1865.	1864.	1865.	1864.	1865.
Alameda.....	2	2	6	5	.....	\$8,100	20	20	19	21	39	41
Alpine.....	.....	1	.....	1	.....	400	2	4	2	.....	4	4
Amador.....	1	.....	3	5	.....	2,100	26	19	14	15	40	34
Butte.....	7	6	2	4	.....	2,548	19	17	16	11	35	28
Calaveras.....	2	2	1	4	.....	6,900	11	19	9	8	20	27
Colusa.....	.....	.....	.....	.....	.....	.....	7	13	4	2	11	15
Contra Costa.....	5	4	1	.....	.....	.....	15	16	9	12	24	28
Del Norte.....	.....	.....	2	1	.....	234	4	4	1	1	5	5
El Dorado.....	8	3	4	8	.....	3,350	28	25	25	20	53	51
Fresno.....	1	1	2	3	.....	655	7	9	3	.....	5	1
Humboldt.....	6	5	2	3	.....	.....	7	2	1	5	12	14
Klamath.....	.....	.....	.....	.....	.....	.....	5	5	2	2	7	7
Lake.....	1	.....	1	1	.....	937	2	1	2	3	4	4
Lassen.....	.....	.....	2	1	.....	400	8	8	6	11	14	19
Los Angeles.....	1	10	3	1	.....	.....	7	6	7	7	13	13
Marin.....	.....	.....	.....	.....	.....	1,000	3	7	7	6	10	13
Mariposa.....	3	4	3	4	.....	1,735	11	21	8	4	19	25
Mendocino.....	3	5	.....	.....	.....	.....	3	4	3	1	6	5
Monterey.....	.....	3	1	1	.....	.....	9	10	4	4	13	14
Napa.....	5	5	3	6	.....	6,943	14	16	9	7	23	23
Nevada.....	2	2	3	2	.....	3,000	15	17	13	11	28	28
Placer.....	5	9	7	1	.....	500	21	18	20	25	41	43
Plumas.....	1	4	.....	1	.....	2,000	2	3	3	4	5	7
Sacramento.....	.....	3	.....	7	.....	20,393	35	31	38	42	73	73
San Bernardino.....	7	.....	.....	1	.....	600	8	10	1	2	9	12
San Diego.....	3	9	4	3	.....	91,000	24	25	108	119	132	144
San Francisco.....	9	.....	.....	2	.....	13,769	35	33	20	29	55	62
San Joaquin.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....

San Luis Obispo.....	2	.....	2	1	.....	323	2	2	2	1	2	3
San Mateo.....	11	24	7	7	.....	6,199	3	34	23	26	18	14
Santa Barbara.....	21	18	4	.....	.....	.....	19	9	7	8	42	4
Santa Clara.....	5	2	1	5	.....	.....	8	9	8	16	16	60
Santa Cruz.....	3	.....	.....	.....	.....	.....	10	7	14	16	10	17
Shasta.....	.....	.....	.....	.....	.....	.....	14	14	4	18	16	20
Sierra.....	.....	.....	1	2	.....	.....	10	7	14	18	24	25
Siskiyou.....	.....	.....	2	2	.....	.....	14	14	4	7	18	21
Solano.....	.....	.....	1	3	.....	3,000	20	18	10	11	30	29
Sonoma.....	.....	.....	6	14	.....	13,732	47	49	31	22	78	71
Stanislaus.....	1	.....	1	1	.....	900	0	11	2	5	8	16
Sutter.....	12	15	8	4	.....	2,000	10	18	4	6	14	24
Tehama.....	5	7	1	1	.....	1,250	8	8	3	3	11	11
Trinity.....	2	2	2	.....	.....	.....	3	1	6	9	9	10
Tulare.....	.....	.....	1	4	.....	1,300	7	13	2	2	9	15
Tuolumne.....	.....	.....	.....	.....	.....	.....	9	6	7	5	16	11
Yolo.....	3	2	1	1	.....	200	26	16	8	10	34	26
Yuba.....	.....	.....	1	2	.....	.....	13	16	13	18	26	34
Totals.....	137	149	85	102	.....	\$196,829	565	603	514	552	1,079	1,155

TABLE 13—Continued.

COUNTIES.	Average monthly wages paid to Male Teachers.		Average monthly wages paid to Female Teachers.		Number Schools maintained less than 3 months.		Number Schools maintained only three months.		Number Schools maintained more than 3 and less than 6 months.		Number Schools maintained more than 6 and less than 9 months.	
	1864.	1865.	1864.	1865.	1864.	1865.	1864.	1865.	1864.	1865.	1864.	1865.
Alameda.....	\$75 83	\$61 00	\$55 50	\$61 00	.....	.....	.....	.....	.....	.....	.....	.....
Alpine.....	.....	69 00	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Amador.....	65 95	73 00	47 00	55 00	.....	.....	.....	.....	.....	.....	.....	.....
Butte.....	77 00	75 00	52 00	50 00	.....	.....	.....	.....	.....	.....	.....	.....
Calaveras.....	59 50	58 00	42 00	35 00	.....	.....	.....	.....	.....	.....	.....	.....
Colusa.....	60 00	56 00	45 00	56 00	.....	.....	.....	.....	.....	.....	.....	.....
Contra Costa.....	61 00	62 00	55 71	54 00	.....	.....	.....	.....	.....	.....	.....	.....
Del Norte.....	68 75	62 00	45 00	45 00	.....	.....	.....	.....	.....	.....	.....	.....
El Dorado.....	75 00	80 00	56 00	58 00	.....	.....	.....	.....	.....	.....	.....	.....
Fresno.....	58 33	66 00	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Humboldt.....	59 42	65 00	41 40	47 00	.....	.....	.....	.....	.....	.....	.....	.....
Klamath.....	100 00	100 00	70 00	50 00	.....	.....	.....	.....	.....	.....	.....	.....
Lake.....	.....	.....	43 00	.....	.....	.....	.....	.....	.....	.....	.....	.....
Lassen.....	87 50	70 00	50 00	50 00	.....	.....	.....	.....	.....	.....	.....	.....
Los Angeles.....	68 00	68 00	60 00	68 00	.....	.....	.....	.....	.....	.....	.....	.....
Marin.....	60 00	54 00	50 00	40 00	.....	.....	.....	.....	.....	.....	.....	.....
Mariposa.....	75 00	65 00	56 00	66 00	.....	.....	.....	.....	.....	.....	.....	.....
Mendocino.....	52 50	64 00	54 50	55 00	.....	.....	.....	.....	.....	.....	.....	.....
Merced.....	62 00	63 00	40 00	55 00	.....	.....	.....	.....	.....	.....	.....	.....
Monterey.....	61 70	63 00	61 70	56 00	.....	.....	.....	.....	.....	.....	.....	.....
Napa.....	70 00	66 00	54 00	62 00	.....	.....	.....	.....	.....	.....	.....	.....
Nevada.....	.....	82 00	.....	67 00	.....	.....	.....	.....	.....	.....	.....	.....
Placer.....	71 00	73 00	60 00	60 00	.....	.....	.....	.....	.....	.....	.....	.....
Plumas.....	80 00	83 00	70 00	64 00	.....	.....	.....	.....	.....	.....	.....	.....
Sacramento.....	63 00	70 00	62 00	60 00	.....	.....	.....	.....	.....	.....	.....	.....
San Bernardino.....	50 00	57 00	48 00	40 00	.....	.....	.....	.....	.....	.....	.....	.....
San Diego.....	63 00	.....	.....	65 00	.....	.....	.....	.....	.....	.....	.....	.....
San Francisco.....	186 63	169 00	71 38	84 00	.....	.....	.....	.....	.....	.....	.....	.....

San Joaquin.....	66 00	70 00	63 00	60 00	.....	.....	.....	.....	.....	.....	.....	.....
San Luis Obispo.....	65 00	65 00	.....	80 00	.....	.....	.....	.....	.....	.....	.....	.....
San Mateo.....	56 57	66 00	46 66	58 00	.....	.....	.....	.....	.....	.....	.....	.....
Santa Barbara.....	62 50	62 00	52 50	50 00	.....	.....	.....	.....	.....	.....	.....	.....
Santa Clara.....	70 00	70 60	50 00	51 00	.....	.....	.....	.....	.....	.....	.....	.....
Santa Cruz.....	84 16	69 00	47 71	57 00	.....	.....	.....	.....	.....	.....	.....	.....
Shasta.....	46 11	61 00	40 18	48 00	.....	.....	.....	.....	.....	.....	.....	.....
Siskiyou.....	82 00	82 00	62 00	52 00	.....	.....	.....	.....	.....	.....	.....	.....
Solano.....	80 00	81 00	50 50	72 00	.....	.....	.....	.....	.....	.....	.....	.....
Sonoma.....	76 75	77 00	45 00	53 00	.....	.....	.....	.....	.....	.....	.....	.....
Stanislaus.....	59 53	61 00	42 80	49 00	.....	.....	.....	.....	.....	.....	.....	.....
Sutter.....	69 16	62 00	55 00	55 00	.....	.....	.....	.....	.....	.....	.....	.....
Tehama.....	56 00	65 00	45 00	60 00	.....	.....	.....	.....	.....	.....	.....	.....
Trinity.....	68 50	67 00	50 00	50 00	.....	.....	.....	.....	.....	.....	.....	.....
Tulare.....	75 00	100 00	50 00	52 00	.....	.....	.....	.....	.....	.....	.....	.....
Tuolumne.....	80 00	60 00	75 00	50 00	.....	.....	.....	.....	.....	.....	.....	.....
Yolo.....	65 20	78 00	67 66	58 00	.....	.....	.....	.....	.....	.....	.....	.....
Yuba.....	72 50	64 00	46 48	45 00	.....	.....	.....	.....	.....	.....	.....	.....
Totals and averages.....	\$73 88	\$74 00	\$54 01	\$62 00	17	8	149	78	202	277	197	260

TABLE 13—Continued.

COUNTIES.	Number Schools maintain'd nine mos. and over.		Average number months School was maintained in all School Districts of County.		Number of Schools for Colored Children.		Number attending Schools for Colored Children.		No. Teachers who have made returns according to law.		No. Teachers who have failed to make such returns.	
	1864.	1865.	1864.	1865.	1864.	1865.	1864.	1865.	1864.	1865.	1864.	1865.
Alameda.....	10	13	7	8	.....	.....	.....	.....	29	34	1	7
Alpine.....	.....	.....	33	4.87	.....	.....	.....	.....	.....	4	.....	.....
Amador.....	5	5	6½	6.24	.....	.....	.....	.....	27	33	.....	1
Butte.....	2	.....	5 11-27	5.66	.....	.....	.....	.....	35	29	.....	.....
Calaveras.....	7	6	6 3-5	6.8	.....	.....	.....	.....	10	13	1	.....
Colusa.....	2	2	5	6.5	.....	.....	.....	.....	18	22	6	4
Contra Costa.....	5	2	5 47-100	7.2	.....	.....	.....	.....	5	5	.....	5
Del Norte.....	1	2	6½	8	1	.....	.....	.....	2	1	.....	.....
El Dorado.....	11	15	7½	3	.....	.....	.....	.....	12	13	.....	2
Fresno.....	.....	.....	3	6	.....	.....	.....	.....	2	3	.....	.....
Humboldt.....	.....	.....	5½	10	.....	.....	.....	.....	7	.....	.....	.....
Klamath.....	.....	.....	3 1-7	3	.....	.....	.....	.....	2	5	.....	.....
Lake.....	.....	.....	7	7.6	.....	.....	.....	.....	14	20	1	.....
Lassen.....	.....	.....	8	9.5	1	.....	.....	.....	11	.....	2	.....
Los Angeles.....	5	11	5 11-13	7.5	.....	.....	.....	.....	10	9	.....	3
Marin.....	2	1	6	6.3	.....	.....	.....	.....	19	19	.....	.....
Mariposa.....	.....	.....	4 10-32	5.3	.....	.....	.....	.....	2	4	2	1
Mendocino.....	1	2	5½	8.75	.....	.....	.....	.....	10	14	.....	5
Merced.....	4	4	7½	6.6	.....	.....	.....	.....	18	18	5	1
Monterey.....	2	1	5½	5.8	1	.....	.....	.....	27	27	.....	3
Napa.....	8	14	5	8.2	.....	.....	.....	.....	35	40	6	.....
Nevada.....	7	8	6½	6.8	.....	.....	.....	.....	5	.....	.....	.....
Placer.....	.....	.....	7½	6.5	.....	.....	.....	.....	60	.....	2	2
Plumas.....	2	2	7½	7	1	.....	.....	.....	9	12	.....	.....
Sacramento.....	27	19	6½	8.2	.....	.....	.....	.....	1	1	.....	.....
San Bernardino.....	.....	.....	5½	11	.....	.....	.....	.....	24	14½	.....	.....
San Diego.....	3	3	9	10	.....	.....	.....	.....	.....	.....	.....	.....
San Francisco.....	24	35	10	.....	2	.....	.....	.....	.....	.....	.....	.....
Totals and averages.....	204	244	6 9-10	6.63	6	8	256	278	837	1,040	54	68

San Joaquin.....	15	16	5½	6.5	.....	1	.....	20	52	62	3	.....
San Luis Obispo.....	2	2	5	9	.....	.....	.....	.....	2	4	.....	.....
San Mateo.....	5	6	7 9-10	8.2	.....	.....	.....	.....	16	13	2	.....
Santa Barbara.....	2	3	5	10	.....	.....	.....	.....	.....	4	.....	.....
Santa Clara.....	21	12	7 3-10	7	.....	1	.....	24	46	50	2	10
Santa Cruz.....	5	2	6	5	.....	.....	.....	.....	16	16	4	2
Shasta.....	.....	.....	4½	5	.....	.....	.....	.....	13	20	1	.....
Sierra.....	2	8	5	8	.....	1	.....	23	22	24	2	.....
Siskiyou.....	1	1	4½	5.7	.....	.....	.....	.....	16	20	1	1
Sonoma.....	3	3	5½	4.5	.....	.....	.....	.....	26	28	2	1
Sonoma.....	3	13	5 9-10	6.78	.....	.....	.....	.....	76	70	.....	.....
Stanislaus.....	1	1	5 7-20	5.2	.....	.....	.....	.....	8	13	.....	1
Sutter.....	2	4	5½	7	.....	.....	.....	.....	25	12	6	14
Tehama.....	1	3	5 13-18	7	.....	.....	.....	.....	10	11	1	.....
Trinity.....	.....	.....	5	5.1	.....	.....	.....	.....	9	10	.....	.....
Tulare.....	.....	.....	5	5	.....	.....	.....	.....	6	15	.....	.....
Tuolumne.....	4	1	6 6-11	5.5	.....	.....	.....	.....	16	14	.....	.....
Yolo.....	5	2	5½	5.3	.....	.....	.....	.....	34	24	.....	2
Yuba.....	7	9	5½	6.7	1	1	23	25	22	34	4	.....
Totals and averages.....	204	244	6 9-10	6.63	6	8	256	278	837	1,040	54	68



TABLE 13—Continued.

COUNTIES.	Number Teachers who attended County Institutes.		Amount of money expended for County Institutes.		Number Teachers allowed & paid for attendance on Institutes.		Number Teachers who subscribe for an Educational Journal.		Amount paid members of County Boards.		Number of 1st Grade Certificates issued.	
	1864.	1865.	1864.	1865.	1864.	1865.	1864.	1865.	1864.	1865.	1864.	1865.
Alameda.....									\$105	\$60	18	16
Alpine.....	15	15	\$160	\$60	9	1	7	11	14	15	9	1
Amador.....	15	15	115				20	10		55	10	3
Butte.....	15	15	10			3	13	9		20	8	6
Calaveras.....	14	20		100	7	4	13	13	100	25	3	
Colusa.....							1	1	55	30	6	7
Contra Costa.....							27	28		110	4	8
Del Norte.....							1	1	10	10		
El Dorado.....							2	2	15	5	3	3
Fresno.....	9	9		12	3	1	1	2				
Humboldt.....	3						2	2	15			
Klamath.....												
Lake.....												
Lassen.....												
Los Angeles.....							2	6	15	30	1	2
Marin.....							3		30		6	6
Mariposa.....				20					20	15	6	
Mendocino.....							2	6	80	30	0	3
Nevada.....							28					1
Nevad.....	16	9		130		9	6		25	55	4	5
Monterey.....	9		75		9		15	10	30	15	8	2
Napa.....	28	30	150	150	40	25	13			90	6	6
Nevada.....							9		40	20	12	6
Placer.....							4	3				
Plumas.....	37	58	117	150	55	25	34	47	145	85	12	8
Sacramento.....							6	3	20	20	2	4
San Bernardino.....												
San Diego.....												
San Francisco.....	20		250					144			18	10

San Joaquin.....	43	75		32	28	35	105	140	19	7
San Luis Obispo.....	5				7	8				1
San Mateo.....	31					2			3	
Santa Barbara.....										
Santa Clara.....	30	175	200	19	23	25	30	70	12	17
Santa Cruz.....	13		103		9	8	35	40	3	8
Shasta.....		50					5	20	2	4
Sierra.....									1	2
Siskiyou.....	7					4			1	2
Solano.....	30				8	10	55	40	3	5
Sonoma.....	22		70	12	10	15	30	20	10	7
Stanislaus.....					30	25	80	65	16	24
Sutter.....		150			4	1	10	20	2	5
Tehama.....						4	25	20	3	6
Tehama.....						1		10	1	5
Trinity.....						2			4	7
Tulare.....					3		45	80	6	11
Tuolumne.....	11						10		2	2
Yolo.....	11				9	7	65	40	10	12
Yuba.....					6	10	25	25	4	1
Totals.....	261	\$1,332	\$1,090	148	363	468	\$1,259	\$1,280	242	239

TABLE 13—Continued.

COUNTIES.	Number of 2d Grade Certificates issued.		Number Temporary Certificates issued.		Number applicants rejected by Co. Boards Examination.		Number School visits made by County Superintendents.		Salaries of County Superintendents.		Rate of County School Tax.	
	1864.	1865.	1864.	1865.	1864.	1865.	1864.	1865.	1864.	1865.	1864.	1865.
Alameda.....	6	10	5	6	1	2	28	34	\$600 00	\$600 00	.20	.30
Alpine.....	38	2	1	4	.....	1	.....	5	400 00	400 00	.....	.25
Anaconda.....	15	8	18	.....	.....	.....	40	50	360 00	360 00	.20	.30
Butte.....	3	4	5	5	4	7	25	30	1,000 00	1,000 00	.20	.20
Calaveras.....	7	10	3	6	2	3	25	31	900 00	900 00	.10	.10
Colusa.....	13	14	7	8	2	6	20	30	400 00	400 00	.10	.08
Contra Costa.....	1	2	.....	.....	3	.....	47	130	1,200 00	1,200 00	.20	.25
Del Norte.....	13	14	4	7	1	1	15	14	400 00	400 00	.10	.25
El Dorado.....	2	1	2	4	2	1	.....	9	1,200 00	1,200 00	.05	.05
Fresno.....	3	2	2	1	1	.....	16	4	400 00	400 00	.15	.17
Humboldt.....	8	1	2	.....	1	.....	10	7	100 00	100 00	.20	.30
Lake.....	2	11	5	13	2	.....	12	12	300 00	300 00	.23	.25
Lassen.....	4	.....	2	.....	.....	.....	.....	.....	500 00	500 00	.....	.....
Los Angeles.....	.....	8	4	3	.....	.....	5	9	250 00	250 00	.10	.10
Mariposa.....	5	2	8	10	.....	1	15	22	600 00	600 00	.10	.18
Mendocino.....	2	1	2	4	1	.....	24	7	200 00	175 00	.20	.20
Mered.....	3	7	2	3	.....	1	3	10	300 00	300 00	.25	.35
Monterey.....	8	13	7	8	5	7	72	60	600 00	600 00	.12	.15
Napa.....	.....	21	.....	30	.....	4	64	56	1,000 00	1,000 00	.20	.30
Nevada.....	4	4	18	20	6	.....	14	105	1,800 00	1,800 00	.20	.20
Placer.....	4	4	1	3	1	1	52	16	250 00	400 00	.09	.10
Sacramento.....	5	6	18	24	14	14	.....	82	1,000 00	800 00	.20	.18
San Bernardino.....	9	6	3	3	1	.....	5	4	100 00	100 00	.15	.28
San Diego.....	.....	.....	.....	1	.....	.....	3	2	15 00	.....	.10	.10

San Francisco.....	130	40	6	31	40	47	95	459	4,000 00	4,000 00	.35	.25
San Joaquin.....	17	4	16	7	7	17	41	.....	1,000 00	1,000 00	.23	.21
San Luis Obispo.....	.....	.....	.....	.....	.....	.....	11	.....	150 00	150 00	.20	.30
San Mateo.....	5	4	13	7	.....	.....	12	11	300 00	300 00	.15	.20
Santa Barbara.....	.....	1	.....	.....	.....	.....	8	6	200 00	200 00	.10	.10
Santa Clara.....	7	18	20	40	6	5	52	60	600 00	900 00	.10	.20
Santa Cruz.....	4	3	6	7	3	1	16	56	500 00	500 00	.25	.30
Shasta.....	3	6	13	10	3	10	18	21	600 00	600 00	.18	.20
Sierra.....	9	9	3	8	5	.....	23	36	400 00	400 00	.15	.15
Siskiyou.....	9	9	4	6	.....	4	14	30	600 00	600 00	.16	.15
Solano.....	11	13	9	11	3	5	14	22	600 00	450 00	.15	.15
Sonoma.....	26	37	55	54	2	8	60	64	900 00	900 00	.10	.26
Stanislaus.....	2	8	4	3	2	2	5	11	200 00	200 00	.05	.13
Sutter.....	3	.....	6	8	5	4	25	60	350 00	350 00	.15	.20
Tehama.....	9	6	1	.....	4	5	9	17	400 00	400 00	.15	.15
Trinity.....	2	2	3	1	1	.....	10	11	260 00	260 00	.20	.20
Tulare.....	2	2	1	.....	1	7	18	12	300 00	150 00	.05	.15
Tuolumne.....	4	3	5	5	2	2	15	20	365 00	365 00	.10	.30
Yolo.....	13	8	10	6	2	3	30	31	400 00	400 00	.15	.25
Yuba.....	20	17	2	4	.....	.....	.....	20	500 00	500 00	.10	.10
Totals.....	431	333	318	336	139	198	971	1,708	\$24,990 00	\$25,262 00	.16	.19
Averages.....	.....	.....	.....	.....	.....	.....	.....	.....	\$596 00	\$582 00	.....	.....

TABLE 14.

COMPARATIVE FINANCIAL STATEMENT between the incorporated cities and the rural districts of the State, for the School Year ending August thirty-first, eighteen hundred and sixty-five.

CITIES.	Amount paid for Teachers' salaries .....	Amount paid for sites, buildings, repairs, & school furniture.....	Amount paid for School libraries.	Amount paid for School apparatus.....	Amount paid for rent, fuel, & con-ting't expenses.	Total expenditures for School purposes.....	Balance on hand.
San Francisco.....	\$134,699 88	\$144,066 89	\$2,083 09	.....	\$66,012 31	\$346,862 17	\$371 10
Sacramento.....	17,041 66	16,493 08	.....	\$200 00	4,637 44	38,872 78	.....
Stockton.....	7,258 33	10,383 01	.....	.....	638 03	27,279 97	5,186 67
Marysville.....	7,670 00	.....	50 00	.....	1,089 12	8,809 12	1,572 98
San José.....	5,845 00	1,025 75	.....	.....	1,897 88	8,678 63	.....
Placerville.....	4,500 67	.....	.....	.....	813 13	5,313 97	.....
Los Angeles.....	5,066 66	110 00	.....	20 00	500 00	5,696 66	6,293 23
Nevada.....	3,950 00	1,850 78	.....	59 79	263 38	6,124 13	30 37
Oakland.....	2,080 00	310 40	.....	14 30	118 42	2,523 12	1,520 57
Totals for cities.....	\$188,712 20	\$183,241 11	\$2,133 09	\$294,27	\$75,779 88	\$450,160 55	\$14,974 92
Totals for the whole State.....	\$526,585 14	\$257,804 98	\$5,792 01	\$3,777 86	\$80,056 57	\$883,116 56	\$69,813 91
Totals for rural districts.....	\$337,872 94	\$74,563 87	\$3,658 92	\$3,483 59	\$13,276 09	\$432,956 01	\$54,838 99

TABLE 14—Continued.

CITIES.	Balance on hand at beginning of School Year.....	Amount received from apportionment of the State School Fund.....	Amount received from City and County taxes....	Amount received from miscellaneous sources...	Amount received from rate bills & subscriptions....	Total amount received from all sources for support of Schools.
San Francisco.....	\$12,040 69	\$36,371 12	\$223,489 44	\$74,960 92	.....	\$346,862 17
Sacramento.....	542 88	4,709 56	26,587 22	7,314 22	.....	39,243 88
Stockton.....	909 72	1,650 91	24,719 31	.....	.....	27,279 97
Marysville.....	7,134 56	1,604 38	5,256 85	.....	.....	13,995 79
San José.....	.....	1,945 32	8,039 67	266 12	.....	10,251 61
Placerville.....	.....	1,057 30	3,958 06	.....	\$298 61	5,313 97
Los Angeles.....	6,064 81	3,436 44	2,488 64	.....	.....	11,989 89
Nevada.....	403 20	1,074 76	1,673 08	1,053 46	1,950 00	6,154 50
Oakland.....	177 10	1,214 44	2,652 15	.....	.....	4,043 69
Totals for cities.....	\$27,272 96	\$53,154 76	\$203,864 42	\$83,594 72	\$2,248 61	\$465,135 47
Totals for the whole State.....	\$85,523 78	\$108,828 71	\$440,693 01	\$95,550 89	\$91,181 93	\$952,930 47
Totals for rural districts.....	\$58,250 82	\$115,673 95	\$141,828 59	\$11,956 17	\$88,933 32	\$487,795 00

T A B L E 15.

COMPARATIVE STATEMENT of School Census Marshals' returns, between cities and rural districts, for the School Year ending August thirty-first, eighteen hundred and sixty-five.

CITIES.	Total number of white children between 4 and 18 years of age.....	Number of white children under 4 years of age.....	Number of white children between 18 and 21 years of age.....	Number of white children under 21 years of age, born in Cal....	Total number of white children under 21 years of age.....	Total number of children reported as attending public schools...	Total number of children reported as attending private schools..	Number of children between 6 & 18, not attending any school.....
San Francisco.....	20,581	11,413	1,391	21,123	33,285	7,805	5,450	3,065
Sacramento.....	2,264	1,118	134	2,259	3,516	1,172	350	400
Stockton.....	941	459	57	493	1,457	499	182	135
Marysville.....	864	448	41	862	1,353	354	298	107
San José.....	1,162	521	103	1,179	1,786	382	407	87
Placerville.....	562	238	17	544	817	336	74	143
Los Angeles.....	1,188	474	91	1,449	1,753	277	252	330
Nevada.....	566	314	31	1,655	911	241	87	133
Oakland.....	771	426	56	807	1,253	227	288	112
Totals.....	28,809	15,411	1,821	20,891	46,131	11,293	7,397	4,512
Totals for the whole State.....	95,067	42,733	5,142	92,879	142,942	41,376	12,478	20,441
Difference.....	66,168	27,322	3,321	62,988	96,811	30,083	5,081	15,929

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T A B L E 16.

COMPARATIVE STATEMENT of city and county schools, from reports of Teachers and Trustees, for the School Year ending August thirty-first, eighteen hundred and sixty-five.

CITIES.	Number pupils enrolled on School Registers.....	Average number belonging.....	Average daily attendance.....	Percentage of attendance.....	Number calendar months during which school was maintained.....	Valuation of lots, schoolhouses, & furniture.....	Valuation School Libraries.....	Valuation School apparatus.....
San Francisco.....	7,885	7,239	6,718	.92	10	\$530,000	\$2,500	\$3,000
Sacramento.....	2,152	1,217	1,014	.82	10	33,500	100	750
Stockton.....	740	438	386	.88	10	22,900	.....	100
Marysville.....	471	244	202	.83	11	18,500	650	600
San José.....	586	305	278	.98	11	7,000	40	300
Placerville.....	585	273	240	.90	11	3,500	250	100
Los Angeles.....	387	194	167	.90	10	6,300	48	40
Nevada.....	390	183	172	.95	10	4,000	.....	150
Oakland.....	333	159	140	.89	11	8,000	.....	20
Totals for cities.....	13,629	10,252	9,317	.89	10 4-9	\$633,700	\$3,588	\$5,000
Totals for the whole State.....	50,089	33,706	29,592	.88	7 3-10	\$1,004,164	\$6,472	\$14,360
Totals for country.....	36,560	23,454	20,275	.91	3 13-90	\$370,464	\$2,884	\$9,300

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TABLE 17.

STATISTICAL TABLE by years showing the total expenditures for Public Schools in the State of California from 1852 to 1865, the assessable property of the State, and the percentage of expenditures on taxable property.

YEARS.	Total assessable property.	YEARS.	Total expenditures.	Rate per each \$100.
1851 .....	\$49,231,000	1852.....	\$33,449	.0679
1852 .....	64,579,000	1853.....	65,645	.1016
1853 .....	95,335,000	1854.....	275,606	.2890
1854 .....	111,191,000	1855.....	334,638	.3009
1855 .....	103,887,000	1856.....	305,221	.2938
1856 .....	95,007,000	1857.....	307,832	.3240
1857 .....	126,059,000	1858.....	339,914	.2696
1858 .....	123,955,000	1859.....	427,003	.3444
1859 .....	131,060,000	1860.....	474,263	.3618
1860 .....	148,193,000	1861.....	470,113	.3172
1861 .....	147,811,000	1862.....	441,228	.2985
1862 .....	160,369,000	1863.....	483,407	.3014
1863 .....	174,104,000	1864.....	655,198	.3763
1864 .....	180,484,000	1865.....	883,116	.4893

TABLE 18.

STATEMENT of the assessable property of the State of California for the years 1862, 1863, and 1864.

COUNTIES.	1862.	1863.	1864.
Alameda.....	\$3,387,344 00	\$3,804,240 00	\$4,472,300 00
Alpine.....			411,996 00
Amador.....	2,000,176 00	2,398,983 00	2,328,235 33
Butte.....	2,908,017 00	3,539,584 00	3,242,523 00
Calaveras.....	2,037,681 00	1,303,669 00	2,004,481 00
Colusa.....	1,581,066 00	1,543,261 00	1,551,429 00
Contra Costa.....	1,744,586 00	1,742,492 00	2,120,881 38
Del Norte.....	293,875 00	316,950 00	335,100 00
El Dorado.....	3,237,527 00	3,304,780 00	3,519,337 00
Fresno.....	874,126 28	803,493 00	728,040 00
Humboldt.....	1,328,979 00	1,129,266 56	1,105,075 00
Klamath.....	365,487 00	224,620 00	267,460 00
Lake.....	320,536 00	250,649 00	345,873 00
Lassen.....			672,325 37
Los Angeles.....	1,506,152 42	1,622,370 55	1,922,176 40
Marin.....	1,817,553 00	1,735,169 00	1,815,334 00
Mariposa.....	1,626,568 00	3,842,599 00	1,644,384 00
Mendocino.....	1,161,773 50	1,161,773 50	1,393,589 45
Merced.....	905,006 00	725,300 00	752,870 00
Mono.....	363,805 00	531,950 00	135,874 50
Monterey.....	1,289,422 02	1,262,843 45	1,125,845 76
Napa.....	2,940,201 00	2,523,680 13	2,539,851 00
Nevada.....	4,447,734 50	3,660,613 00	4,063,136 69
Placer.....	3,006,453 27	3,071,911 79	2,977,061 50
Plumas.....	1,054,059 75	1,202,487 75	943,812 88
Sacramento.....	8,772,738 00	9,566,895 00	11,349,808 00
San Bernardino.....	314,440 00	370,788 00	493,444 00
San Diego.....	468,953 38	431,989 64	518,629 00
San Francisco.....	66,531,207 00	78,689,732 21	82,403,488 98
San Joaquin.....	4,193,420 00	4,999,383 00	4,986,615 00
San Luis Obispo.....	512,742 56	512,742 56	545,210 00
San Mateo.....	2,542,205 00	2,341,199 00	2,675,180 00
Santa Barbara.....	718,853 00	718,853 00	578,296 10
Santa Clara.....	6,038,376 00	6,129,112 00	6,883,682 00
Santa Cruz.....	930,219 00	930,219 00	1,023,138 00
Shasta.....	1,330,505 67	1,088,701 96	1,090,793 56
Sierra.....	3,006,151 00	2,453,406 00	2,097,875 00
Siskiyou.....	1,227,297 00	1,498,192 00	1,488,379 00
Solano.....	3,248,844 55	3,696,043 22	3,215,832 04
Sonoma.....	3,850,677 00	3,678,016 50	3,960,905 00
Stanislaus.....	861,912 00	861,217 50	824,152 00
Sutter.....	1,566,775 00	1,965,190 00	1,943,054 00
Tehama.....	2,148,944 00	2,006,282 00	1,559,484 00
Trinity.....	1,166,414 00	861,128 00	712,223 50
Tulare.....	1,266,489 91	1,085,981 75	1,309,380 41
Tuolumne.....	2,588,920 00	2,107,295 00	1,891,187 00
Yolo.....	2,261,184 00	2,458,067 00	2,264,487 00
Yuba.....	4,623,675 00	4,049,835 00	4,310,364 00
Totals .....	\$160,369,071 81	\$174,104,935 07	\$180,484,949 85

TABLE 19.

LIST OF ACTING AND COUNTY SUPERINTENDENTS.

COUNTIES.	NAMES.	RESIDENCE.
Alameda .....	B. N. Seymour.....	Hayward's.
Alpine.....	L. S. Greenlaw.....	Markleeville.
Amador.....	D. Townsend.....	Volcano.
Butte.....	Isaac Upham.....	Oroville.
Calaveras.....	W. C. Mosher.....	Mokelumne Hill.
Colusa.....	J. C. Addington.....	Colusa.
Contra Costa.....	H. R. Avery.....	Pacheco.
Del Norte.....	R. J. McLellan.....	Crescent City.
El Dorado.....	S. A. Penwell.....	Placerville.
Fresno.....	S. H. Hill.....	Kingston.
Humboldt.....	W. L. Jones.....	Eureka.
Klamath.....	E. Lee.....	Sawyer's Bar.
Lake.....	Wm. R. Mathews.....	Lakeport.
Lassen.....	A. A. Smith.....	Susanville.
Los Angeles.....	L. J. Rose.....	Los Angeles.
Marin.....	J. W. Zuver.....	Bloomfield.
Mariposa.....	P. K. Webster.....	Mariposa.
Mendocino.....	J. L. Broadus.....	Ukiah.
Merced.....	T. O. Ellis, Sr.....	Union.
Monterey.....	W. M. R. Parker.....	Monterey.
Napa.....	Alfred Higbie.....	Napa.
Nevada.....	M. S. Deal.....	Nevada.
Placer.....	A. H. Goodrich.....	Auburn.
Plumas.....	A. S. Titus.....	Quincy.
Sacramento.....	Sparrow Smith.....	Sacramento.
San Bernardino.....	W. S. Clarke.....	San Bernardino.
San Diego.....	José M. Estudillo.....	San Diego.
San Francisco.....	John C. Pelton.....	San Francisco.
San Joaquin.....	Melville Cottle.....	Stockton.
San Luis Obispo.....	Alex. Murray.....	San Luis Obispo.
San Mateo.....	W. C. Crook.....	Redwood City.
Santa Barbara.....	A. B. Thompson.....	Santa Barbara.
Santa Clara.....	Wesley Tonner.....	San José.
Santa Cruz.....	P. Y. Cool.....	Santa Cruz.
Shasta.....	J. J. Conmy.....	Shasta.
Sierra.....	W. C. Pond.....	Downieville.
Siskiyou.....	Thos. N. Stone.....	Yreka.
Solano.....	G. W. Simonton.....	Vallejo.
Sonoma.....	C. G. Ames.....	Santa Rosa.
Stanislaus.....	Geo. W. Schell.....	Knight's Ferry.
Sutter.....	N. Furlong.....	Yuba City.
Tehama.....	W. H. Bahney.....	Red Bluff.
Trinity.....	David E. Gordon.....	Weaverville.
Tulare.....	M. S. Merrill.....	Visalia.
Tuolumne.....	John Graham.....	Columbia.
Yolo.....	Henry Gaddis.....	Cache Creek.
Yuba.....	W. C. Belcher.....	Marysville.

TABLE 20.

LIST OF COUNTY SUPERINTENDENTS ELECT,

*To take office March 1, 1866.*

COUNTIES.	NAMES.	RESIDENCE.
Alameda.....	Rev. Chas. E. Rich.....	Oakland.
Alpine.....	L. S. Greenlaw.....	Markleeville.
Amador.....	S. G. Briggs.....	Jackson.
Calaveras.....	F. O. Barstow.....	San Andreas.
Colusa.....	J. C. Addington.....	Colusa.
Contra Costa.....	Rev. H. R. Avery.....	Pacheco.
El Dorado.....	E. B. Conklin.....	Placerville.
Fresno.....	S. H. Hill.....	Kingston.
Humboldt.....	Rev. Wm. L. Jones.....	
Klamath.....	S. Finley.....	Sawyer's Bar.
Lake.....	A. P. McCarty.....	Lakeport.
Los Angeles.....	Rev. E. Birdsall.....	Los Angeles.
Marin.....	A. Barney.....	San Rafael.
Mariposa.....	D. W. Washburn.....	Mariposa.
Mendocino.....	C. C. Cummings.....	Ukiah.
Merced.....	T. O. Ellis, Sr.....	Union.
Monterey.....	Thomas Bralee.....	Monterey.
Napa.....	Rev. A. Higbie.....	Napa.
Nevada.....	M. S. Deal.....	Nevada.
Placer.....	— Case.....	Auburn.
Plumas.....	G. W. Meybert.....	Taylorville.
Sacramento.....	Dr. F. W. Hatch.....	Sacramento.
San Bernardino.....	Wm. L. Ragsdale.....	San Bernardino.
San Francisco.....	John C. Pelton.....	San Francisco.
San Joaquin.....	Melville Cottle.....	Stockton.
San Luis Obispo.....	P. A. Forrester.....	San Luis Obispo.
San Mateo.....	Robert Greer.....	Redwood.
Santa Barbara.....	A. B. Thompson.....	Santa Barbara.
Santa Clara.....	Wesley Tonner.....	San José.
Santa Cruz.....	H. P. Stone.....	Soquel.
Shasta.....	W. L. Carter.....	Shasta.
Sierra.....	J. M. Haven.....	Downieville.
Siskiyou.....	Thos. N. Stone.....	Yreka.
Solano.....	Geo. W. Simonton.....	Vallejo.
Sonoma.....	C. G. Ames.....	Santa Rosa.
Stanislaus.....	T. T. Hamlin.....	Langworth.
Sutter.....	Dr. Dunwell.....	Yuba City.
Tehama.....	Wm. T. Cressler.....	
Trinity.....	David E. Gordon.....	Weaverville.
Tulare.....	M. S. Merrill.....	Visalia.
Tuolumne.....	— Spencer.....	Sonora.
Yolo.....	M. A. Woods.....	Cache Creek.
Yuba.....	D. C. Stone.....	Marysville.

## APPENDIX.

## CONTENTS OF APPENDIX.

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### APPENDIX A.

Historical sketch of the public school system of California.

### APPENDIX B.

Historical list of the County Superintendents in the State of California from eighteen hundred and fifty-two to eighteen hundred and sixty-five, inclusive.

### APPENDIX C.

Historical statistical tables of the public schools of California.

### APPENDIX D.

Schoolhouse architecture, illustrated by wood cuts.

### APPENDIX E.

New schoolhouses erected in this State in eighteen hundred and sixty-four and eighteen hundred and sixty-five.

### APPENDIX F.

Statistics of colleges, college schools, and seminaries, with wood cuts.

### APPENDIX G.

Report of the Principal of the State Normal School.

[ A ]

## HISTORICAL SKETCH

OF THE

## PUBLIC SCHOOL SYSTEM OF CALIFORNIA.

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It is my purpose in this sketch to give an outline of the school laws, school reports, and the organization and progress of the schools, from eighteen hundred and forty-nine to the present time, and to place on record, in a condensed and accessible form, such statistical information as can now be gathered from the scanty records of this department, from the journals of the State Legislature, and from newspaper files.

It is not surprising that in the wild excitement of early times in this State little attention was paid to schools, and less to the collection of school statistics.

The public schools of California are now thoroughly organized and liberally supported; the reports of State, City, and County Superintendents are full and comprehensive, embracing all the statistics usually collected in other States.

It seems a fitting time to gather up for present use and future reference the fragmentary records of the schools during their early struggles, to trace their progress step by step, and to hold in remembrance the names of the men who were the more immediate agents in organizing them, and who laid by wise legislation the foundations of their present prosperity. No complete file of State school reports exists except in the legislative journals. Neither reports, nor continuous statistical records can be found, either in County Superintendents' offices, or elsewhere; and it has become a pressing necessity to glean from the confused material now in this department something like a connected history of school legislation, reports, and statistics, for the future use of county school officers and the department itself.



## FOUNDATION.

The foundation of the public school system of California was laid in the Constitutional Convention held in Monterey, September, eighteen hundred and forty-nine.

The Select Committee on the State Constitution reported, in Committee of the Whole, in favor of appropriating the five hundred thousand acres of land granted by Congress to new States for the purpose of internal improvements, to constitute a perpetual School Fund, with a *proviso*, however, that the Legislature might appropriate the revenue so derived to other purposes, if the exigencies of the State required it. An animated debate occurred on this *proviso*, in which Mr. Sherwood of Sacramento, and Mr. Jones of San Joaquin, were the principal speakers in favor of it; and Mr. Semple of Sonoma, and Mr. McCarver, opposed to it. The *proviso* was stricken out by the close vote of eighteen ayes to seventeen noes, thus securing an inviolable fund for school purposes. In the progress of the debate Mr. Semple spoke as follows:

"This is a subject upon which I have thought probably more than upon any other subject that has ever engrossed my attention. I regard it as a subject of peculiar importance here in California, from our location and the circumstances under which we are placed, the immense value of our lands, and the extent and wealth of the country. I think that here, above all places in the Union, we should have, and we possess the resources to have, a well regulated system of education.

"It is the duty of members of this House to unite together and secure that reputation, character, and ability in our public teachers which can only be obtained by a liberal and permanent fund. It is the basis of a well regulated school system that it shall be uniform throughout the State; that any surplus funds collected in one district shall not be appropriated in that district, but that the aggregate fund from all the districts shall be appropriated strictly to school purposes, and distributed equally throughout the State.

\* \* \* \* \*

"We should therefore carefully provide that this fund shall be used for no other purpose.

"Education, sir, is the foundation of republican institutions; the school system suits the genius and spirit of our form of government. If the people are to govern themselves, they should be qualified to do it; they must be educated; they must educate their children; they must provide means for the diffusion of knowledge and the progress of enlightened principles."

A section providing that a school should be kept in each district at least three months in each year, in order to secure any share of the State Fund, was adopted; an amendment by Mr. Hastings, to insert "six" months instead of "three," having been rejected. Mr. Semple, of Sonoma, whose opinions on school matters seem to have been remarkably clear and correct, moved, as a substitute for a rejected section relating to collecting and disbursing the proceeds of fines for breach of penal laws, that all funds collected from any source, including, of course, the proceeds from the sales of the sixteenth and thirty-sixth sections of township school lands, be paid into a common fund, to be apportioned according to the number of children.

Wm. M. Gwin, and Henry W. Halleck, both of San Francisco, spoke against the measure; and Mr. Semple defended it in an able speech. It was rejected, however, and the way was left open for a vast amount of cumbersome legislation subsequently in vain attempts to form township school funds. Finally, after fifty thousand acres had been sold by various townships, the proceeds of which have never been heard of since, in eighteen hundred and sixty-one a law was passed consolidating the proceeds into one common State School Fund, as proposed by Mr. Semple in eighteen hundred and forty-nine.

When Article IX, on education, came up for final adoption in the Convention, there was a lengthy debate on the policy of concurring with the action in Committee of the Whole in striking out the *proviso* in section second before mentioned. The opinion prevailed in the Convention that this grant would be of immense value; that the lands would be located in mineral regions, and sold for fabulous sums; that the fund derived would be the most munificent in the world; and the argument was used in favor of the *proviso*, that the fund would be more than sufficient to educate the children, and would prove a source of corruption and speculation. Hence the question was made an important one, which brought out the full strength of the friends of free schools.

W. M. Stewart, and Messrs. Sherwood and Vermeule, spoke in favor of retaining the *proviso*, and Messrs. Gwin, Halleck, Botts, Hoppe, Semple, and McDougal, in favor of striking it out.

After various amendments offered and rejected, the *proviso* was stricken out by the following vote:

AYES—Messrs. Aram, Botts, Brown, Covarrubias, Gwin, Hanks, Hill, Hoppe, Halleck, Hastings, Hollingsworth, Larkin, Lippitt, Lippincott, McCarver, McDougal, Ord, Price, Reid, Sutter, Stearns, Sansevaire, Tefft, Vermeule, Walker, and President Semple—26.

NOES—Messrs. Dimmick, Dominguez, Foster, Gilbert, Hobson, Norton, Pico, Sherwood, and Wozencraft—10.

*And so was laid the foundation of our School Fund and school system.*

Article IX of the Constitution, as adopted, was as follows:

"ARTICLE IX—Education.

"SECTION 1. The Legislature shall provide for the election by the people of a Superintendent of Public Instruction, who shall hold his office for three years, and whose duties shall be prescribed by law, and who shall receive such compensation as the Legislature may direct.

"SEC. 2. The Legislature shall encourage by all suitable means the promotion of intellectual, scientific, moral, and agricultural improvement. The proceeds of all land that may be granted by the United States to this State for the support of schools which may be sold or disposed of, and the five hundred thousand acres of land granted to the new States, under an Act of Congress distributing the proceeds of the public lands among the several States of the Union, approved A. D. eighteen hundred and forty-one, such per cent as may be granted by Congress on the sale of lands in this State, shall be and remain a perpetual fund, the interest of which, together with all the rents of the unsold lands, and such other means as the Legislature may provide, shall be inviolably appropriated to the support of common schools throughout the State.

"SEC. 3. The Legislature shall provide for a system of common

schools, by which a school shall be kept up and supported in each district at least three months in every year; and any district neglecting to keep and support such a school, may be deprived of its proportion of the interest of the public fund during such neglect.

"Sec. 4. The Legislature shall take measures for the protection, improvement, or other disposition of such lands as have been or may hereafter be reserved or granted by the United States, or any person or persons, to the State, for the use of a university; and the funds accruing from the rents or sale of such lands, or from any other source, for the purpose aforesaid, shall be and remain a permanent fund, the interest of which shall be applied to the support of said university, with such branches as the public convenience may demand, for the promotion of literature, the arts and sciences, as may be authorized by the terms of such grant. And it shall be the duty of the Legislature, as soon as may be, to provide effectual means for the improvement and permanent security of the funds of said university."

#### SCHOOL LAW, 1849-50.

Near the close of the first session of the Legislature, eighteen hundred and forty-nine and eighteen hundred and fifty, held in the City of San José, Mr. Corey, from the Committee on Education, reported that the taxes laid on the people for State, county, and municipal purposes, were so heavy the committee did not consider it advisable to report a bill to tax the people still further for the support of public schools, and, accordingly, the school bill, of which no record remains, was indefinitely postponed. But while the school bill, thus defeated, has been forgotten, the reason advanced by Mr. Corey has been the standing argument urged against every school bill which has contained any provision for maintaining by taxation a system of public schools.

#### FIRST PUBLIC SCHOOL.

A solid foundation for a liberal school system was carefully laid by the framers of the State Constitution, and, as might be expected, San Francisco was the first place in the State to organize, independent of State law, by her Common Council, a free public school.

The Ayuntamiento, or City Council, adopted, April eighth, eighteen hundred and fifty, the following ordinance, drawn by H. C. Murray, which was the first public school ordinance of any kind passed in California, and consequently made the school taught by Mr. Pelton the first free public school in the State. The ordinance was crude, it is true, but it was the germ of all succeeding city ordinances.

The following is a copy of the ordinance:

"1st. *Be it ordained by the Common Council of San Francisco*, That from and after the passage of this Act it shall be the duty of J. C. Pelton,

who has been employed by the Council as a public teacher, to open a school in the Baptist Chapel.

"2d. Said school shall be opened from half-past eight o'clock A. M. to twelve o'clock M., and from two o'clock P. M. until five o'clock P. M., and shall continue open from Monday until Friday at five o'clock P. M.

"3d. The number of scholars shall not exceed the number of one hundred; and no scholar shall be admitted under the age of four or over the age of sixteen.

"4th. All persons desirous of having their children instructed in said school shall first obtain an order from the Chairman of the Committee on Education, and all children obtaining said order shall be instructed in said school free of charge.

"5th. It shall be the duty of said Pelton to report to the Council on the first of each and every month the number of scholars and the progress of said school.

"H. C. MURRAY,  
"F. TILFORD."

The school thus placed under city regulations, as a city free school, was established by Mr. Pelton in December, eighteen hundred and forty-nine, and opened with three scholars.

The *Pacific News*, of December twenty-seventh, eighteen hundred and forty-nine, contained the following prospectus in its advertising columns:

"TO THE CITIZENS OF SAN FRANCISCO.

"The subscriber proposes to establish in San Francisco a free public school.

"In order that the school may be free to all who may be disposed to avail themselves of its privileges, it is proposed to admit free of tuition all who may apply, no other compensation being required at present than what the friends of the school and the public generally may be disposed to contribute. \* \* \* \* \*

"The school will commence on Wednesday, the twenty-sixth instant. \* \* \* \* \*

"J. C. PELTON."

The school was commenced according to the prospectus, and continued up to the time of its adoption by the city, and from the records seems to have been the first free public school established in the State of California.

#### SCHOOL LAW, 1850-51.

The Chairman of the Senate Committee on Education, Mr. Heydenfelt, early in the second session of the Legislature, at San José, eighteen hundred and fifty and eighteen hundred and fifty-one, reported a bill "Concerning common schools," which dragged slowly along, was indefinitely postponed in the Assembly, submitted to a Committee of Conference, and finally passed on the very last day of the session, May first, eighteen hundred and fifty-one.

The original bill was mainly drawn by Hon. George B. Tingley.

a member of the Legislature. John G. Marvin, Superintendent of Public Instruction, and John C. Pelton, teacher of the public school in San Francisco under a local school ordinance, assisted both in preparing and perfecting the bill and in securing its passage. David C. Broderick, then a member of the Legislature, was an active supporter of the bill.

The school law of eighteen hundred and fifty-one was rather cumbersome and imperfect in many of its provisions. It provided for the survey and sale of school lands in so impracticable a manner that no lands were ever sold under its operation. The Governor was to order a survey; the surveyor was to lay off the land in lots not exceeding eighty acres, nor less than forty, and to furnish the State Superintendent with a schedule of the same; the lands were to be sold at auction, on an order from the Court of Sessions—the purchaser to pay one third down, and ten per cent per annum interest on the remainder; the County Treasurer to give a certificate of payment, and report to the State Superintendent; the State Superintendent to direct the District Attorney to make out a deed; the County Recorder to report annually to the State Superintendent.

It provided for the apportionment of the interest of the State School Fund to the counties on the basis of the number of children between seven and eighteen years of age; but the County Treasurers were to apportion to districts according to the number actually attending school; no district was to receive its share of State money unless school was maintained three months, and unless it raised a sum equal to at least one half its share of the State Fund. It defined the duties of the Superintendent of Public Instruction; provided for a "Superintending School Committee" of three, elected annually, with power to examine and appoint teachers, disburse the School Fund, and build schoolhouses, and to report annually to the State Superintendent. It divided schools into primary, intermediate, and grammar, specifying the studies in each, and provided for the establishment of high schools.

It also provided for the distribution of the School Fund among religious and sectarian schools, in the following sections:

"SEC. 10. If a school be formed by the enterprise of a religious society, in which all the educational branches of the district schools shall be taught, and which, from its private and public examination, the committee will it to be well conducted, such school shall be allowed a compensation from the Public School Fund in proportion to the number of its pupils, in the same manner as provided for district schools by this Act.

"SEC. 11. Schools established under charitable auspices, orphan asylums, schools for blind, almshouse schools, etc., such as shall be subject to the general supervision of laws on education, but under the immediate management of their respective Trustees, Managers, or Directors; and said schools shall participate in the apportionment of the school moneys in the same manner as other common schools."

Rather an odious load to be saddled upon the common school system at its very start, these two interesting and suggestive sections!

## SAN FRANCISCO, 1851.

The first school ordinance passed under the State school law eighteen hundred and fifty-one, was that of San Francisco, adopted September, eighteen hundred and fifty-one, which made provision for City Board of Education, composed of seven members, and for a City Superintendent, and appropriated thirty-five thousand dollars for the support of schools. Thomas J. Nevins, who mainly prepared the ordinance, was elected Superintendent of Schools, and proceeded to organize the department. The first schools organized under this ordinance were the Happy Valley School, of which Mr. James Denman was elected the first teacher, and the Powell Street School, of which Mr. Joel Tracy was appointed teacher.

Both schools opened on the seventeenth of December, eighteen hundred and fifty-one.

## FIRST STATE REPORT, 1851.

John G. Marvin, the first Superintendent of Public Instruction, made his first annual report to the third Legislature on the fifth of January eighteen hundred and fifty-two. He recommended that a carefully prepared school law should be passed, as that of the previous year was meagre in its provisions; that an appropriation of fifty thousand dollars should be immediately made, and that next year a State school tax of five cents on a hundred dollars should be levied until some revenue could be derived from the State School Fund; that the office of County Superintendent be created; that provision be made for school libraries; and that the proceeds of the sales of tule lands be applied to the School Fund. He estimated the total amount of State school land, including the sixteenth and thirty-sixth sections, and the five hundred thousand acre grant, to be six million three hundred and eighty thousand three hundred and twenty acres, which would yield a prospective School Fund of seven million nine hundred and seventy-five thousand four hundred dollars, and says of this estimate: "This would be truly a magnificent bequest, and one worthy of the El Dorado State."

Mr. Marvin donated to the School Fund the sum of one thousand five hundred and fifty-six dollars, the same being the amount which he had received for military services in an expedition against the Indians in Mariposa County while holding a civil office.

This was the first and last "bequest" which the State School Fund ever received; and is a most refreshing example of official honesty; a scrupulous sense of honor.

In an appendix to his report, Mr. Marvin gave extracts from a letter of inquiry addressed by him to various county officers, and to Postmasters. A few extracts from these will show the educational condition of the State at that time. Butte County had fifty children, but no school; Calaveras County, one hundred children, and no school; Colusa, seven children, with some prospect of a school next year; El Dorado County, one hundred children, but no school; Contra Costa County, some four hundred children. Postmaster Coffin, of Martinez, wrote: "There are nearly one hundred and fifty children here. There is

just the breath of life existing in the apology for a school in the town. I presume it will be defunct ere one month passes away." Marin County had sixty children, and a mission school at San Rafael; Mariposa County, one hundred children, "no school organized;" Mendocino County, seventy children, and a school of twenty pupils on Russian River; Monterey County, five hundred children—two schools of forty pupils each in the city—one hundred and seventy-nine children at San Juan, and no school; "morality and society in a desperate condition;" Napa County had one hundred children, and three schools in the county, one of which was at Napa City, and numbered twenty-five scholars; Nevada County had two hundred and fifty children, and four schools, two of which were at Nevada City, one at Grass Valley, and one at Rough and Ready; Placer County had one hundred children, and one small school at Auburn. Concerning San Francisco, it is reported: "In May last, the Common Council, under authority of the charter, authorized the raising of thirty-five thousand dollars as a School Fund for the present year. In September, (eighteen hundred and fifty-one,) the same body passed the present excellent school ordinance, and appointed Alderman Ross Atwell, General John Wilson, and Henry E. Lincoln, Esq., to form the Board of Education. These gentlemen chose Colonel T. J. Nevins, A. M., Superintendent."

Three public schools were organized at that time—Happy Valley School, Number One, one hundred and sixty-three scholars, Mr. James Denman, Principal; District Number Two, Dupont Street School, one hundred and fifty pupils, Mr. Jones, Principal; Powell Street School, Number Three, sixty pupils, Mr. Joel Tracy, Principal.

Among the private schools, the principal were as follows: San Francisco Academy, Reverend F. E. Prevoux, thirty-one pupils; Episcopal Parish School of Grace Church, forty scholars, Dr. VerMeir; Wesleyan Chapel Select School, thirty-three scholars, Mr. Osborne, Instructor; Saint Patrick's School, one hundred and fifty children, Father McGinnis, Principal; Church of Saint Francis School, one hundred and fifty pupils, Father Langlois, Principal.

San Joaquin County had two hundred and fifty children, and two schools, both at Stockton. Mr. Rogers, the teacher of a private school at Sacramento, reported that there were four hundred children in that county, and no schools except two primary and one academy, a high school in the City of Sacramento, both private. He says: "This city has never spent a cent for elementary instruction. My sympathies are with the public free school system, but in their absence, started a private school."

Santa Cruz County had two hundred children, and two schools, both in the town, numbering sixty-five scholars.

Santa Clara County had three hundred children. The Young Ladies Seminary, at San José, in charge of the Sisters of Charity, had ninety pupils; and the San José Academy, Reverend E. Bannister, Principal, had sixty pupils. Through the exertions of Honorable George B. Tingley, a subscription of five thousand dollars was raised for the benefit of this academy. There were two primary schools at Santa Clara, with sixty-four scholars, and two other schools in the township, numbering thirty-five scholars.

Santa Barbara County had four hundred children, and one public school in the town, under supervision of the Common Council, who paid the two teachers together seventy dollars per month. There was also a small school at Santa Inez.

Sonoma County had five small schools, and two hundred and children; Solano County, two hundred children and one school; Benicia, half public and half private; Trinity County one hundred twenty-five children, and one school of fifty pupils, at Uniontown; Tuolumne County one hundred and fifty children, and no school; County seventy-five children, and no school; Yuba County had hundred and fifty children, and one school, in Marysville, of the scholars, taught by Tyler Thatcher and his wife.

From these rough materials Mr. Marvin estimated the number of children in the State between four and eighteen to be about six thousand. There was then no organized State school system, and most of the schools mentioned in the preceding items were private schools, supported by tuition.

### SCHOOL LAW, 1852.

At the third session of the Legislature, held in Vallejo and Sacramento, eighteen hundred and fifty-two, Honorable Frank Soule, Chairman of the Senate Committee on Education, made an able report in favor of common schools, and introduced a revised school law much more complete than the law of eighteen hundred and fifty-one.

Honorable Paul K. Hubbs, of the Senate, afterwards Superintendent of Public Instruction, State Superintendent Marvin, and Mr. P. assisted Mr. Soule in framing the bill.

A select committee of the Assembly on the Senate bill, (Mr. B. Chairman,) reported strongly against many features of the bill: that parents could take care of their own children; that the State and the counties were in debt; that taxation ought not to be increased; standing argument of Mr. Corey—and therefore recommended the bill be postponed one year, and yet had the unblushing impudence to wind up their report by "declaring themselves faithful friends of common schools, and loyal lovers of children!" Finally a committee of conference was appointed, on which appear the names of J. M. Estell, F. A. Crabb, and A. C. Peachy, who reported in favor of the bill with sections relating to the sale of school lands stricken out, to be amended and passed as a separate bill. The bill was passed, and a provision inserted in the revenue law, levying a State school tax of five cents on each hundred dollars of the taxable property of the State. This law made provision for a State Board of Education, consisting of Governor, Surveyor-General, and Superintendent of Public Instruction; made County Assessors ex officio County Superintendents; three Commissioners in each district, elected for one year; constables School Census Marshals; the school year to end October thirty State School Fund to be apportioned to districts according to the number of census children between five and eighteen years of age; School Fund to be used exclusively for teachers' salaries, and five per cent of County Fund for the same purpose; that no books of a denominational or sectarian character should be used in any common school; defined the duties of County Superintendents, and of the State Superintendent and School Commissioners; authorized the Common Council of incorporated towns to raise a school tax, not to exceed three cents on hundred dollars; to provide for examination of teachers; to make

and regulations for government of schools; authorized counties to levy a school tax, not exceeding three cents on a hundred dollars; *provided*, that no school should receive any apportionment of public money, unless free from all denominational and sectarian bias, control, or influence whatever; and closed by giving permission to teachers to assemble at Sacramento, once a year, on the call of the Superintendent of Public Instruction, to discuss and recommend improvements in teaching. Approved May third, eighteen hundred and fifty-two.

## SECOND STATE REPORT, 1852.

In his second annual report, Mr. Marvin stated that the number of children between four and eighteen years of age was seventeen thousand eight hundred and twenty-one; that by a blunder of the Enrolling Clerk, the section creating the office of County Superintendent was omitted, and the duties were specified without creating the office, and in consequence thereof, the State Board of Education had not been able to apportion the State Fund, which at that time amounted to eighteen thousand two hundred and eighty-nine dollars, of which fourteen thousand eight hundred and seventy-four dollars was received from the five cent revenue tax; that the sales of school lands had amounted to one hundred and fifty thousand acres, yielding three hundred thousand dollars, on interest at the rate of seven per cent per annum. He recommended that the County Assessors be made *ex officio* County Superintendents; that Trustees be required to report to the State Superintendent as well as to County Superintendents; that the Catholic schools be allowed their pro rata of the public fund; that no necessity existed for a normal school, as the supply of teachers was greater than the demand; that the number of organized public schools was twenty, the number of children attending public school three thousand three hundred and fourteen, and the total expenditure as reported twenty-eight thousand dollars.

An appendix to the report contained the following letter from Bishop Joseph S. Allemany, of Monterey:

"I beg leave to ask you to aid us with your great influence, that the reported schools may not be altogether cut off from the public fund. The will of the people throughout the whole Republic is obviously to give such assurance and stability to education as to have by law its doors thrown open to every child; to guaranty to all a schoolhouse and a teacher, and to reward, through the hands of its most prominent functionaries, such as devote their time, labor, and energies, to the holy cause of education.

"The laws are nothing but the expression of the good will of the people, and the main object of the laws of education is to educate.

"Thus, the schools shown in the accompanying report, having substantially complied with the law, by laboring materially in the cause of education, I would respectfully ask of you the kindness of using your influence towards a pro rata appropriation of the collected public funds for the number of children taught in the schools, as shown in the report which I inclose for that purpose."

The report embraced twelve Mission and church schools in various parts of the State, including five hundred and seventy-nine children attendance.

## SCHOOL LAW, 1853.

The law regulating the sale of five hundred thousand acres of school lands, passed May third, eighteen hundred and fifty-two, authorized Governor to issue land warrants of not less than one hundred and six acres, nor more than three hundred and twenty; the State Treasurer was authorized to sell said lands at two dollars per acre, and to receive in payment Controller's warrants drawn upon the General Fund, or bonds of the civil debt of the State; and to convert all moneys: all State three per cent bonds or Controller's warrants so received him into bonds of the civil funded debt of the State, bearing interest at seven per cent per annum, and to keep such bonds as a special deposit marked "School Fund," to the credit of said School Fund.

Under this provision the sales of land in eighteen hundred and fifty-two amounted, as before stated, to one hundred and fifty thousand acres yielding three hundred thousand dollars.

At the fourth session of the Legislature, eighteen hundred and fifty-three, the school law was amended by the following provisions: That Controller's warrants, received for school lands, should draw interest seven per cent, the same rate as civil bonds; that the State Treasurer should keep a separate and distinct account of the Common School Fund, and of the interest and income thereof, and that no portion should be devoted to any other purpose; that County Assessors should be made *ex officio* County Superintendents; that all county school officers should be paid such compensation as allowed by County Supervisors; that cities should have power to raise by tax whatever amount of money was necessary for school purposes; that counties should have power to levy a school tax not exceeding five cents on a hundred dollars; that religious and sectarian schools should receive a pro rata share of the School Fund.

The provision allowing the Catholic schools a share of the School Fund, was made into the following sugar-coated pill:

"Sec. 7. Article five of said Act (eighteen hundred and fifty-two) hereby amended by adding after section two the following additional sections:

"Section Three. The County Superintendent may and is hereby empowered, in incorporated cities, to appoint three School Commissioners for any common school or district, upon petition of the inhabitants thereof requesting the same.

"Section Four. Such schools shall be and are hereby entitled to the rights and privileges of any other city or common school, in pro rata division of school money raised by taxation, and shall receive its proportion of money from the State School Fund in the annual distribution; *provided*, they are conducted in accordance with the requirements of this Act."

This provision gave rise to the formation of the so called "ward schools" of San Francisco.

### THIRD ANNUAL REPORT, 1853.

Paul K. Hubbs, who had been a member of the last previous Legislature, from Stanislaus County, was elected as successor to John G. Marvin, and took office on the first of January, eighteen hundred and fifty-four. In his very brief annual report, January twenty-fourth, eighteen hundred and fifty-four, he stated that the School Fund, from the sale of school lands, amounted to four hundred and sixty-three thousand dollars, on which the annual interest was thirty-two thousand dollars; that the sale of school lands had entirely ceased, and that there remained unsold two hundred and sixty-eight thousand acres of the five hundred thousand acre grant. He dwelt on the necessity of reserving all sales of the sixteenth and thirty-sixth sections for township funds exclusively. Mr. Hubbs further recommended that the School Fund be apportioned according to the average attendance on school, instead of the number of census children, urged the establishment of a State university, and closed as follows:

"I repeat the hope of seeing, within two years, in successful organization, after proper legislative enactments, schools of learning not only in our cities, towns, and villages, but within every 'six miles square' of the settled portion of the State, and that they be conducted with that ability that belongs to the energy and intelligence of this people. Not, as in some States, fighting at shadows, passing the substance; not grumbling in a schoolhouse about that that don't belong there; but educating the youth of our State, preparing them to succeed you in these halls, to equal and excel you, to replace the ermined Judges, and last, not least, to form the cohort forces of the State in that great struggle that awaits our common country. This great State is not the propagandist of any *creed*, nor the factionist of any *section*; to elevate the general intelligence of man, and to disseminate and extend republican influences, is her more exalted destiny."

No tabular statistics whatever were published with this report.

### SCHOOL LAW, 1854.

In the fifth session of the Legislature, eighteen hundred and fifty-four, it was provided in the revenue Act that fifteen per cent of the State poll taxes should be paid into the School Fund. A well prepared school law was introduced by D. R. Ashley, which, among other things, repealed the sections allowing sectarian schools a pro rata share of the School Fund. It met with strong opposition, finally passed to engrossment, but was buried in the rubbish of unfinished business at the end of the session.

### FOURTH ANNUAL REPORT, 1854.

Mr. Hubbs opened his second report with the statement, "that, the average attendance on school had increased from two thousand eight hundred and fifty-three to five thousand seven hundred and fifty-one in eighteen hundred and fifty-four, the report never exhibited the lamentable fact that the children of our State are grown up devoid of learning to read and write." He recommended the establishment of a State Industrial School; that School Commissioner be elected for three years, one annually; that the office of County Superintendent be abolished, as tending to unnecessary expense; that School Treasurers be elected, to report to the State Superintendent; that the office of Township School Funds; stated that no income ever been derived from "escheated estates," though it had been estimated that millions belonged of right to that fund; urged a State university and closed by alluding to "silly sectarian quarrels," and the "gratitude of the American people."

A crude and confused tabular statement was attached to this report concerning which it is an open question whether the inaccuracies prevail over the accuracies, and whether no table at all would not have been an improvement on the report.

In the same year, Superintendent Hubbs published an edition of school law, with "Instructions to Teachers" attached, the character of which will be illustrated by the following extracts: "In arithmetic studies, let the pupil *use the keys*, then test his own understanding by working without them." "On entering the room the pupil should pay that respect to the place and to the teacher that belongs to good manners." "There is no child born of woman that cannot be taught to read. The 'idiot schools' have perfect success. The blind feel light, and the mute gains knowledge. Nor is there any young man so degraded but is capable of receiving not only the knowledge of letters and to calculate by figures, but deep and abiding sentiments of duty and high rectitude of conduct that mark the gentleman in after life. At times the conduct of such a one be outrageous, 'meet that with kindness and meet it kindly and fraternally, and the calm will come. Your best effort to expand the mind of the child will sometimes be rudely rebuffed by the parent. You will almost despond. Upon such occasion call up the reserve of your good judgment, excuse the parental folly, think of the future blessing that will be poured upon you by the child if you succeed, even against a present fury of opposition. Like the sick voyager upon the ocean, 'look up,' and take to yourself the recuperative power of action."

### SCHOOL LAW, 1855.

During the sixth session of the Legislature, eighteen hundred and fifty-five, Mr. Ashley introduced a school bill which was in substance the same as that defeated at the last previous session. After some delay, with a few amendments it became a law, approved May eighteen hundred and fifty-five.

This revised law enlarged the powers of School Trustees; provided for the election of County Superintendents, and defined their duties; and empowered the Common Councils of incorporated cities to raise a school tax not exceeding twenty-five cents on a hundred dollars; to collect and disburse school moneys; to establish school districts; to provide by election or by appointment for City Boards of Education, and City Superintendents; to establish schools on petition of fifty heads of families, provided that no sectarian doctrines should be taught therein, and that such schools be under the same supervision as other schools. It provided that no school should be entitled to any share of the public fund that had not been taught by teachers duly examined and approved by legal authority, and that no sectarian books should be used, and no sectarian doctrines should be taught in any public school under penalty of forfeiting the public funds. The stringent provision settled then, and probably forever, the question of an American system of public schools in this State, free from the bitterness of sectarian strife and the intolerance of religious bigotry. The public schools are free to the children of the people, and free from the influence of church or sect. They are free to instruct children in the principles of morality and the reverence of a Supreme Being, which underlie all religious sects, denominations, and creeds, and to train to those habits of intelligent and independent thought which ought to be the basis of all religious belief, rather than the blind faith which accepts without question the dogmas of the past. The School Fund will not be frittered away by division, nor the efficiency of the schools impaired by the intolerance which has debarred thousands from an education in European countries.

This law of eighteen hundred and fifty-five also provided that Controller's warrants paid into the Treasury for school lands should draw the same rate of interest as civil bonds, and that the State Treasurer should indorse on such warrants, "Common School Fund," and that no portion of such securities should be sold or exchanged, except by special Act of the Legislature; it authorized counties to raise a school tax not exceeding ten cents on a hundred dollars, to apportion the same on the same basis as the State Fund, and to appropriate the moneys so derived for building houses, purchasing libraries, or for salaries. This law contained many excellent provisions, and was a very great advance on all previous school bills. Its main features are retained in the school law of the present day.

#### FIFTH ANNUAL REPORT, 1855.

Mr. Hubbs opened his fifth report in eighteen hundred and fifty-six as follows:

"Public sentiment was never more thoroughly aroused than at the present time, in respect to the subject of education. From the Colorado to the Klamath, from the Nevada Alps to the Ocean, the most distinguished citizens of this State are laboring to extend the influence and elevate the condition of the common school. Of the twenty-six thousand one hundred and seventy resident children reported, six thousand four hundred and twenty-two form the daily average attendance at the common schools. The private schools will not probably increase the number

beyond seven thousand in all. What is to be done with the thousand? They are under the charge of this department legislative action."

He renewed his recommendations for the sale of school lands in a special plea for Township Funds; recommended that all land and School Funds be placed under the control of the State Education; asked a direct appropriation of one hundred dollars; considered the new school law behind the age; recommended that the office of County Superintendent be abolished, a district township system be adopted; that the School Fund be apportioned according to the average daily attendance; and closed as follows:

"When I sought the opportunity to be charged with the duties of this office, it was in the hope, and greatly with the intent, to extend the cause of education throughout the State. It is the safeguard of every nation's true prosperity—the elevation of the people."

"From the solitary teacher of a very common school to the head of a hundred and forty-nine, at San Francisco, my predecessor has increased their number to *fifty-six* during his term of office. I have increased to your honorable body nearly six times that number, with a view to a quadruplication of the present force. Many private day schools have been established—some with pre-eminence."

"If we be doomed to the eternal disgrace of prevalent ignorance in our land, we shall as a consequence linger in crime, and receive in place of honored remembrance the merited contempt of mankind. If, on the contrary, this almighty element of a great nation be cherished and sustained, in a manner worthy the subject of the counsels of your honorable body, the world combined to conquer us—will never desire to undertake it."

"Strong in the sympathies of the good, great in our natural abilities, stimulated by the energies that accompany knowledge, our duty is continuous in the front till progressive civilization encircle the globe."

This report was accompanied by a statistical tabular statement, somewhat better than the preceding, but still so complicated and arranged that no one but an antiquarian would ever explicate the strata of folded laminæ.

This opinion is expressed after devoting three weeks of his administration to fill up the gaps and correct the blunder of the previous report, for the purpose of securing a permanent record of the public schools of the State since their organization.

#### SIXTH ANNUAL REPORT, 1856.

The last report of Mr. Hubbs was a brief one, without table whatever—not even the number of census children in the State.

He urged all his previous recommendations concerning land and township lands in particular, the establishment of a great agricultural department, and a military school



requirement that a uniform series of elementary books be used in all the public schools; entered his protest against certain "partisan and sectional" text books sent him from the East; and closed by a eulogy on the English language and the Anglo-Saxon race.

#### SEVENTH ANNUAL REPORT, 1857.

Paul K. Hubbs was succeeded in office, in eighteen hundred and fifty-seven, by Andrew J. Moulder, a graduate of the Virginia Military Institute.

His first report opened as follows:

"The number of schools has increased, in four years, from fifty-three to three hundred and sixty-seven—nearly sevenfold; the number of teachers, from fifty to four hundred and eighty-six—nearly ninefold; the number of children reported by census, from eleven thousand two hundred and forty-two to thirty-five thousand seven hundred and twenty-two—more than threefold; whilst the semi-annual contribution by the State has dwindled from fifty-three thousand five hundred and eleven dollars and eleven cents to twenty-eight thousand three hundred and forty-two dollars and sixteen cents, or nearly one half; and the average paid each teacher, from nine hundred and fifty-five dollars to fifty-eight dollars and thirty-two cents—that is to say, to less than one sixteenth of the average under the first apportionment.

"I will not waste words on such an exhibit. If it be not convincing that the support derived from the State is altogether insufficient, and ought to be augmented, no appeal of mine could enforce it.

"But this I may be permitted to say: that we have no such thing as public schools, in the full acceptance of the term—that is to say, schools at which all the children of the State may be educated, *free of expense*. That nine dollars and seventy-two cents per month, to each teacher, contributed by the State, never can maintain a public school; that the contributions by parents and guardians to keep up the schools are onerous, oftentimes unequal, and must, in time, damp their ardor in the cause of education; that our three hundred and sixty-seven schools are comparatively in their infancy, and now, above all other times, should be cherished and encouraged by the State. Lacking such fostering care and encouragement, it is to be feared they will languish, and gradually lose their hold upon the popular favor. Is it not worth more than an ordinary effort to avert such a calamity?"

He recommended that the maximum rate of county school tax be increased from ten cents to twenty cents on a hundred dollars; that no warrants should be issued by Trustees on the District Funds, unless there was cash in the Treasury to pay them; and that all funds coming into the Treasury during one school year should be used exclusively for the payment of expenses of that year; asked an appropriation of three thousand dollars for Teachers' Institutes; favored the establishment of a State Industrial School; recommended that all school lands be placed under the immediate charge of the State Board of Education, with power to locate and sell at one dollar and twenty-five cents per acre.

Concerning the sixteenth and thirty-sixth sections of townships, his policy was as follows:

"Congress has donated to the State the sixteenth and thirty-sixth sections in each township for the purposes of public schools.

"This amounts to upwards of six millions of acres in the State, constituting a magnificent domain, which, if properly managed, one day produce us a School Fund far surpassing that of any other State in the Union.

"I say, if properly managed, for all depends on this. In Congress donating these lands, these sections were granted for the purposes of public schools in each township.

"This has been, by common consent, construed to give these sections to the people of the townships in which they are located.

"I am by no means certain an enlightened and liberal interpretation of the language of the Act will not permit the proceeds of these lands to go into a General School Fund, for the purpose of these sections in each township, to be distributed equally among the townships in the State. But whether this interpretation is or not, to remove all doubts, I earnestly recommend your honor to instruct our honorable Senators and Representatives in the passage of an Act, amending the present Act, so as to throw the proceeds of these sections into a General Fund, for the benefit of the State at large. I consider this imperatively necessary, at all, it must be done at once. A moment's consideration of this. In some townships the sixteenth and thirty-sixth sections contain splendid arable land, conveniently located for market, with the improvements of a first class farm. Indeed, I am informed, on some of these lands there are sections belonging to the State worth at this moment one hundred dollars per acre. In other townships, the same sections fall on the crests of rugged mountains, almost inaccessible to man, and are deserts utterly worthless. For these sections there never was a sale, and the township in which they are located never will have any value from their donation.

"In many counties, too, these sections are very valuable for the purpose of being covered by Mexican grants. This compels the selection of these sections, perhaps in localities hundreds of miles distant. It may happen the inhabitants of a township in Santa Cruz select sections in Tulare, and those of a township in Yuba, two sections in Norte; for the Act of Congress permits the selection to be made from any unoccupied public lands in the land district.

"The inconvenience and confusion resulting from such a selection of things are apparent.

"But the strongest argument in support of my views is the injustice to many of the less favored townships, arising from the present law. Convert these lands into a General Fund, distribute them in districts of the State in proportion to the number of children therein, and there will be no complaint, because there will be no one on any side. This can be done now, but a year hence it may be too late. Other States have marked the unjust operation of this law, and induced Congress to alter it as I have here recommended."

He advocated the immediate establishment of a military academy under the constitutional provision for a State University.



He preferred the military system of education, for various reasons. One of which was, that California was so far removed from the central government that she must supply her own soldiers. On this point he made the following remarks:

"There is one other consideration to which I allude with some hesitation, but the true statesman should look not only to probabilities, but to possibilities; and it is possible there may one day be a separation between the Atlantic and Pacific States, and the establishment of an independent republic upon our coast. God grant that it may not be in our time—that it may never be! But a century is but a span in the life of a nation, and less than a century may see this realized. Circumstances may force it when least expected; but come when it may, it is the part of wisdom to be prepared for it; and what greater or better preparation than the existence of a high military school—a West Point in full organization in the young republic?"

He urged that such a system was eminently calculated to develop the physical powers; that it encouraged a high tone of honor; that it would send out practical men, able to take care of themselves.

"Ours is eminently a practical age. We want no pale and sickly scholars, profound in their knowledge of the dead or other languages and customs. We need energetic citizens, skilled in the arts of the living, and capable of instructing their less favored fellows in the pursuits that contribute to the material prosperity of our State. For what useful occupation are the graduates of most of our old colleges fit? and not of ours alone, but of the time-honored universities of England. Many of them are bright scholars, ornaments to their *alma mater*—they are perhaps all that the system under which they have been instructed could make them; they are learned in the antiquities of nations long since gone; they are eloquent in Latin; they may write a dissertation on the Greek particle; be masters of the rules of logic and the dogmas of ethics—all valuable acquirements, it is true—but when, after years of toil, they have received their diploma, their education for practical life has just commenced. They have still to study for a profession—are still dependent upon their parents.

"This may do for old settled communities, but it will never answer for California. A young man at seventeen, eighteen, or twenty years of age, in this State, must expect to start in life for himself. He must have some occupation that will maintain him. Longer dependence is not to be tolerated or expected.

"To fit our youth for such occupations, to end this dependence, must be the object of our university.

"I would, therefore, urge that such professorships only shall be established at first as will turn out practical and scientific civil engineers; mining engineers; surveyors; metallurgists; smelters; assayers; geologists, or scientific prospectors; chemists, both manufacturing and agricultural; architects; builders; and last, but not least, school teachers.

"Let me call your attention, however, to the necessity of educating a class of our young men in mining engineering.

"The character of mining has undergone great changes since eighteen hundred and forty-nine and eighteen hundred and fifty. Enterprises are now conducted on an extensive scale. Tunnels of great magnitude, with labyrinthine galleries, are run into the mountains; deep shafts, with far-

stretching drifts, are sunk; quartz works and mills are multiplied; all these enterprises, a skilful engineer would be a valuable and, as they progress in magnitude, his services would be indispensable. It is from the want of such directing intelligence that we often hear of accidents in the mines. Our State has scarce the work of internal improvements. None offers more inducement than none will more be needed. For these, we shall require civil engineers and surveyors, and all such will, in a few years, find employment.

The statistical tables accompanying the report were embracing only the number of census children and the attendance.

### SCHOOL LAW, 1858.

The Legislatures of eighteen hundred and fifty-six and eighteen hundred and fifty-seven did not trouble themselves about the subject, no amendments worth mentioning were made.

The Legislature of eighteen hundred and fifty-eight made some amendments in school legislation by providing that school districts, by petition, could levy a district tax for the support of schoolhouses, under the restrictions that the district must maintain a school four months; that the public money must be used to defray one half the expense of another term; that a tax on the land of a school and for building a schoolhouse could not both be levied in the same year, and that the Trustees considered the tax ad valorem law was not well drawn, and great difficulty was experienced in getting the taxes voted under it, the heavy taxpayers who could generally escape without payment. As a necessary result, only a few taxes were voted under it, and not till eighteen hundred and sixty-three was a liberal and effective law passed whose provisions were as binding as those regulating the collection of State or county taxes.

The Legislature of eighteen hundred and fifty-six passed a resolution instructing their representatives in Congress to endeavor to secure the surveys of the sixteenth and thirty-sixth township school lands, and also to secure a law authorizing the mineral districts to locate two sections in lieu thereof of the cultural lands of the State.

The Legislature of eighteen hundred and fifty-eight passed a concurrent resolution.

A law was passed providing for the sale of the remaining one hundred thousand acre grant, and the seventy-two sections of the university, which provided that the Governor should appoint a locating agent in each land district of the State, who should locate the lands not exceeding three hundred and twenty acres; that the agent should pay one dollar and twenty-five cents per acre, or, if preferred, twenty per cent down, and interest on the remainder per annum in advance; that said agents should also locate in lieu of occupied sixteenth and thirty-sixth sections, at the request of the County Supervisors; that the State Board of Examiners

should appear that more than ten thousand dollars had been received by the State Treasurer as purchase money for such lands, should purchase bonds of the civil funded debt of the State, after advertising, at their lowest values; that such bonds should be marked "School Fund," and held in custody of the State Treasurer; that at the expiration of one year the State Board of Examiners should take and use fifty-seven thousand six hundred dollars of any money belonging to the School Fund and purchase bonds, which should be marked "Seminary Fund," and that all interest on said fund should also be invested in bonds.

An Act was also passed repealing that of eighteen hundred and fifty-five, and providing for the sale of the sixteenth and thirty-sixth sections of township lands by the Boards of Supervisors.

### EIGHTH ANNUAL REPORT, 1858.

This was one of the longest and ablest of Mr. Moulder's reports. He opened with the statement that the schools of California were not creditable to the State, and showed the necessity of an immediate appropriation by the State of one hundred thousand dollars. Concerning this, he goes on to say:

"A classification and analysis of the reports of full two thousand school officers to this department, show that there are forty thousand five hundred and thirty children in the State between four and eighteen years of age; that the whole number attending school during the year eighteen hundred and fifty-eight was nineteen thousand eight hundred and twenty-two, and that the daily average attendance was but eleven thousand one hundred and eighty-three. It follows that twenty thousand seven hundred and eight children have not been inside of a public schoolhouse, and that twenty-nine thousand three hundred and forty-seven have, in effect, received no instruction during the year.

"If this state of things is 'very good for California,' and we do not take instant and effective means to remedy it, these twenty-nine thousand three hundred and forty-seven neglected children will grow up into twenty-nine thousand three hundred and forty-seven benighted men and women; a number nearly sufficient, at ordinary times, to control the vote of the State, and, in consequence, to shape its legislation and its destiny!

"Damning as the record is, it is yet lamentably true, that during the last five years the State of California has paid seven hundred and fifty-four thousand one hundred and ninety-three dollars and eighty cents for the support of criminals, and but two hundred and eighty-four thousand one hundred and eighty-three dollars and sixty-nine cents for the education of the young!

"In other words, she has paid nearly three times as much for the support of an average of four hundred criminals, as for the training and culture of thirty thousand children.

"To make the point more forcible, the figures show that she has expended eighteen hundred and eighty-five dollars on every criminal, and nine dollars on every child!"

He recommended that districts should be required to maintain six months, instead of three, to entitle them to apportion authority of examining teachers should be transferred from a County Board; that the maximum county tax should be twenty cents on a hundred dollars; that County Treasurers be allowed a percentage for disbursing State school moneys; Superintendents, Marshals, and Trustees, should be paid from County General Fund; and that Negroes, Mongolians, should not be allowed to attend the schools for white children, under penalty of the forfeiture of the public school money by distributing such children into school.

He reported that he had prepared a volume of "Common School Law," containing suggestions on school architecture from the best authors on education. He argued at length consolidating the proceeds of the sales of the sixteenth and thirty-sixth sections into a State Fund. Concerning these lands, he made the following statements: That in twenty counties no available sixteenth and thirty-sixth sections, they belonged to Mexican grants, or unsurveyed, or in mineral regions.

"The first and the most startling inference that forces itself, that out of five million five hundred and twenty-five thousand five hundred and sixty acres, to which the schools are entirely available at the present time but twenty-seven thousand five hundred of arable land; fifty thousand two hundred and forty acres of land; and thirteen thousand four hundred and forty acres of land. In all, ninety thousand seven hundred and twenty acres.

"If we suppose that one half the land not described will raise the aggregate to one hundred and fourteen thousand five hundred and eighty acres. To such pigmy proportions the common domain of five and a half millions practically dwindles.

This report closed by urging a military institute; and tabular statements, which were better arranged than the preceding report, were the reports of County Superintendents.

### NINTH ANNUAL REPORT, 1859.

In this report Mr. Moulder renewed several of the recommendations of his previous report; recommended the establishment of a State School; the organization of State and County Boards of teachers; the increase of the maximum county school tax to twenty cents on a hundred dollars; an appropriation for paying State Superintendents to deliver lectures and visit schools; that the Township School Funds should be consolidated into a common fund, which question he argued conclusively, supported by letters from Land Commissioners at Washington and various State Superintendents, and concluded by an elaborate argument in favor of a military institute to be established at Monterey.

## SCHOOL LAW, 1860.

Several important and excellent amendments were made to the school law by the Legislature of eighteen hundred and sixty. The maximum rate of county school tax was raised from ten cents to twenty-five cents on a hundred dollars; Negro, Mongolian, and Indian children, were excluded from public schools under penalty of a forfeiture of public funds by such schools as admitted them with white children; the State Superintendent was authorized to hold a State Teachers' Institute annually, and an appropriation of three thousand dollars was made for payment of expenses; the State Superintendent was authorized to appoint a State Board of Examination, with power to grant State teachers' certificates, valid for two years; and the School Funds of any one year were required to be used exclusively for that year; County Superintendents were authorized to appoint County Boards of Examination, consisting exclusively of teachers, with power to grant teachers' certificates, valid for one year; the State Board of Education was authorized to adopt a State series of text books, and to compel their adoption, under penalty of forfeiting the public school moneys, to go into effect in November, eighteen hundred and sixty-one; and an appropriation of thirty thousand dollars made for building a State Reform School at Marysville.

## TENTH ANNUAL REPORT, 1860.

This report opened as follows:

"It is apparent, from an inspection of these statistics, that the amount contributed by the State to the cause of education is wretchedly insufficient. It is a pittance almost beneath contempt. It amounts to about one dollar and forty cents per annum for the education of each schoolable child in the State.

"With all the aid derived from local taxes, rate bills, and private subscription, it pays only an average of sixty-six dollars and seventy-two cents per month to each teacher in the State.

"A first class bootblack obtains almost as much.

"I am almost disposed to believe that no teacher at all is better than an ignorant or unlettered one; but how can we expect to secure the services of highly educated and accomplished teachers for the pittance of sixty-six dollars and seventy-two cents per month?"

He further urged a State Normal School, and a direct State appropriation for common schools; again argued in favor of consolidating Township Funds, and closed by stating that he had already exhausted argument in favor of a military institute.

## SCHOOL LAW, 1861.

Early in the session of eighteen hundred and sixty-one, introduced a bill in the House, which was passed, providing of the sixteenth and thirty-sixth sections of school lands proceeds should be paid into the State School Fund. The years of impracticable legislation, in which each successive tinkered on a township land bill, a plain and practicable law under the provisions of which, in less than a year, nearly thousand acres were sold, and the proceeds applied to the Fund.

In the revenue law of eighteen hundred and sixty-one, it that one half of the amount paid into the State Treasuries poll taxes should be placed in the State School Fund, a tax was not paid till the first of August it should be increased of which seventy-five cents should be paid into the County. During this session, Hon. Zack Montgomery, member of from Yuba County, introduced a bill to apportion the School the Catholic schools. This bill was balked by a petition signed by fourteen thousand men, women, and children.

It provided that every school numbering thirty pupils, the parents or guardians of such pupils, should have the education to be enrolled as a public school; that the common schools should be taught five hours a day, with religious instruction as an extra, at the will of the parents; that the parents should elect the Trustees of such schools, with full power and that the State Fund should be apportioned according to children attending school.

Mr. Blair, from the Committee on Education, reported a bill on account of its sectarian provisions; but a strong pressure to bear on the Legislature by the Catholic clergy, and the imminent danger of its passage, outrageous as were its provisions.

Hon. Zack Montgomery made a fierce and libellous attack on schools of the State, in which he characterized those of as "schools of infamy of the blackest dye." His two main arguments against the public school system were that Wayland's Moral Reform book in the San Francisco high school, taught that slave property was wrong; and that one or two cases of improper intimacies between boys and school girls had been charged by rumor.

Mr. Campbell, of San Francisco, replied. Mr. Conness made the ablest speeches in favor of our American public schools that was ever made in the Legislature of California. The following from his speech are worthy of a place in school history:

"A quarter of a century ago I landed from the deck of a ship, upon the shores of America. I was deposited there grain of sand upon the sea shore by a wave of the ocean. At my arrival I found my way to a free school, where I soon found my anticipations and fears were not realized. I found intercourse with strangers, the greatest friendship that I experienced at the hands of mankind. I was received into the fold established by the intelligence, the wisdom, the patriotic sentiment, the expense of a great and free people. I soon learned to the advantages that were placed before me. During the

seven months, being the interim between my arrival and my being placed, from the necessities that surrounded me, as an apprentice to a mechanic's trade, I enjoyed the opportunities for the acquirement of information and knowledge that was furnished by that common free school. Day by day, for I never missed a single day, nor fractional part of a day, in my attendance, I experienced at the hands of the teachers appointed over me by the people the most marked consideration and kindness. The very fact that I was a stranger seemed but to invite the attention, and even the caresses, of the noble man who stood at the head of that school. More than once—and I shall remember it to the last hour of my existence—I was desired to remain after the other children were dismissed from the school, to be spoken to, to be encouraged, to be led onward in the paths of education by my teacher. More than once he has placed his hand kindly upon my head, and familiarly, because not in the presence of other children, addressed me, saying, 'John, you must make effort in this and in that particular direction—you are wanting in these particular parts—if you will only bring yourself up in these, you will occupy a foremost position in this school.' He marked my attempts at progress, and to me as well as to others he always reached out the encouraging hand of kindness, and spoke the word that led to emulation and ambition in the acquirement of knowledge. For me to have found an institution like that was a great acquisition and a great wonder. I could scarcely understand it then, although I believe I fully appreciated it, as I do to-day. Up to the period of my advent into that school I had not been favored with great or any considerable advantages in the way of education. I had never attended other than the village schoolhouse, where the commonest branches of education were taught, perhaps in the commonest way; and for the two years preceding my arrival I had been deprived of even these poor advantages by circumstances that I will not undertake to detail here. And to have found not only the means so abundant placed before me, but agents so kind and at the same time so able in administering the benefits and advantages of that institution, sustained and supported at the public expense, commanded then, as I repeat will always command, my profoundest admiration and regard. To that school, and to the beneficent people who established it, am I indebted in great part, to say the least, for all that I am, be it little or much, to-day. Hence, sir, when the question of public schools—of free schools—in which the children of all may be educated without price, without distinction of class, of wealth, or of politics or religious opinions, is involved, it is no wonder that I should feel a deep interest in that question. Next to the unity and the continued and happy prosperity of this glorious country that we live in and are all common citizens of—next to its continued and prosperous existence, I owe all allegiance, all love, all admiration, and all effort, to the public schools of our country.

"I am aware that those who advocate this measure profess that they have no purpose in view but the perfection, completeness, and extension of educational conditions and advantages; but I would recommend those persons to begin in another way. I object to the manner in which they propose to begin to carry out such an end. Some of them say that the schools of California, or those of a portion of the State, are dens of infamy, are pestiferous in their character, are but sowing the seeds of immorality and death where they exist. But, as a remedy for these great abuses, for this great curse in our land, if it exists, do they pro-

pose to renew their efforts to obtain the passage of such laws such restrictions as will bring about a better condition. I think not. What, then, do they propose? If I understand I think I do, they propose to withdraw a portion of the State from what are now known as the common schools. The proposition or purpose in view is better stated to me in a hall by citizens of distinction, who are interested in passing which we are now discussing, than by the gentlemen who lay it here. Their proposition to me is plainly stated—so plain that who runs may read and understand it. They say, first, that we are now unfit for the reception of their children, or the children of the people. They say they are common contributors to the support consumed in the support of the schools, and that as the schools are for their children, therefore they have a right to withdraw from those schools. That part of the proposition I admit that it follows as a necessity, in common honesty and fairness should also be entitled to receive a pro rata proportion of the school moneys of the State, to be used under their direct support of such schools as they may establish. They say that it exists in nature. Who, they ask, is so well entitled to the education and training of a child as its natural parent? They invoke the faculties of mankind to aid them in this argument, because of the contrast between the system they propose and the one that is now by showing you that on the one hand the Government claims the control and jurisdiction of the children of the purpose of public education, while on the other hand there is no such relation should be permitted or authorized while there is no one who gave existence to his offspring, and whose greatest advancement and happiness.

"It is said that this movement comes from the Catholics; it is undoubtedly true that in the main it does. But it is all of my own knowledge, that all Catholics in this State approve of this measure. Nay, all the Catholic clergy of this State approve of this measure. Why? Many of them have good reasons, apart from the intrinsic merits of the proposition, a national one. At the present time in California, happily another, 'Of what religious profession are you?' What attend, or do you attend any?' Except, perhaps, the question may be asked by those whose particular vocation is in such a subject. But there is no disability, either social, or arising out of the particular religious opinions of any. This Assembly presents the strongest and most complete fact. Upon this floor are honorable gentlemen, from all quarters of the earth, educated in the different systems of education to men. Yet they are here by the votes of a common people, the kind regards of all denominations, without religious considerations were ignored in their selection.

"We are here with common objects, and the only object presented in connection with this bill now before us. Shall we continue, by and through the agency of the State, and carry out a system of public education in the State. For one, I am in favor of the affirmative of this proposition, in favor of renewing effort; of bringing up the standard of

the moral condition of our schools, until they shall not only be fit for the reception of the children of our people, but shall also by their superior excellence attract to our State parents and children from other lands. Adopt the proposition that is made in this bill; let every private school that may be established by the parents of children or by their religious teachers, or for profit by teachers, have a pro rata share of the school money, and what will be the result? In a very short time the State of California will be engaged in the interesting business of collecting moneys from various sources for the purpose of education, and disbursing and distributing those moneys amongst private parties, to be by them applied in such a way as they see fit for the purposes of education. Inaugurate this system, drive home this wedge that is now pointed at your common school system, and you will have schools exclusively under the control and direction of sects and parties, as well as by persons engaged as educators for profit.

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"One argument that is used by the advocates of the bill, not here, but elsewhere, is that schools established for the inculcation of what is commonly denominated secular education alone, fall short of the purpose that schools should have in view—that it is not enough to train up and enlighten the intellectual faculties of mankind, but that moral truths, religious precepts, shall at the same time be inculcated. They insist that the proper time to inculcate this is in youth; that the proper persons to inculcate them are the parents and the clergy. Perhaps these propositions are true. While I have the most unqualified regard, respect, and even admiration, for all sects and all classes of religion, because I believe they are all in the main engaged in earnest effort for the good of mankind, at the same time I do insist for my part, by my opinions, my action, and my vote, that secular and religious education shall still remain separate in this land; that there shall be no schools supported by the public which shall be denominated on the one hand Catholic schools, or on the other hand Protestant schools, illy preparing the children who grow up and are tutored in them for meeting upon the common ground of citizenship. I protest against it. If, as I said, there are religious dogmas now taught in our schools, I say, banish them. If, as is stated, there be political dogmas taught in those schools, and a certain book has been exhibited here said to contain those doctrines, let them be excluded and forbidden. Let their exhibition here be for the purpose of obtaining their exclusion, and not as an argument why the common school system should be disintegrated and destroyed. I protest that the exhibition of a book containing objectionable and offensive matter forms no argument for changing the policy of the State in reference to public education. One half the effort made to show that those doctrines were at variance with peace and harmony among our people would have secured their exclusion from all the schools in California. If there are those who insist upon the introduction of offensive books into the schools, let it be stopped at once. Let your demand go as far as that and no further. It furnishes no argument for this bill. Let it not be said here that that class of our citizens denominated Protestants desire to force objectionable doctrines upon their Catholic fellow citizens. I have great doubts as to whether anything of the kind is intended or can at any time be carried out. Neither let the schools be made to teach particular political doctrines. Let the children be taught by nature or common instinct that slavery is an evil, but let it not be printed in a book for use in the public schools. Let the poetry of the world, as has been said, the

literature and civilization of the world, furnish that evidential system that, until recently, as an abstract proposition, found advocates in this great land. I have no fear to speak thus. I have learned religion upon this subject, or my political opinions. The common instincts of mankind teach me all I desire to know about that subject, and my reason tells me how far to use it and how balance is struck and the poise is preserved.

"I have heard nothing to convince me that this bill should change that our system of education should be changed. I have heard nothing within this chamber, because I do not recognize as that point all that is said about the condition of the schools. Our public school system in the United States of America is one of the proudest evidences of the greatness of our people, and the basis and substratum of our institutions. Let religion ever class or kind, teach their doctrines and dogmas. The organizations for that especial purpose, and they contribute and judiciously and carefully apply them to these ends. Liberty, by law and constitutional sanction, to preserve each particular career, without interference from its neighbors. It is that preservation and defence against assault upon a freedom in the world. No greater means of its continuance more certain mode for its preservation can be found, I believe, than the preservation of our common school system. While we have our schools public and common schools, let that not, as is in the interior of our State, be a misnomer any longer. Let us free, and furnish the means of education to the poor of the future members of the Legislature, Congressmen, Governors, and all others, are to be found among these classes, for nature has blessed the child of poverty with the blessing of energy. All the world over, and of every free country conclusively proves this for the great men of every free land have sprung from the people. Education is particularly for them; it is due to their hands and the hands of the great body of the people. I vote for a law that would compel the attendance of all children of a certain age at some school, for a certain length of time each year, and let us first furnish the means, before we undertake to apply them.

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"I have heard it intimated more than once that this should be made a political question; that the position that might here would be carefully written down and noted, and the political status hereafter would be determined by the position. I have regretted this exceedingly, but if there were any one who should speak at all upon this subject, so as to be incapable of being understood, the latter would furnish the strongest one. I have no portion of the people of this State, or my fellow citizens, to speak for me, because of the opinions I entertain, or the efforts I make, and the line and direction of duty, let them object, and let them favor. Whenever any portion of the people cannot find something to approve, let them condemn; it may be better without them as they can without me. I have no hope for that class popularly denominated politicians—those who hang loosely about them—those changelings, who simply

they may get bread. Our country has been cursed; its lamentable throes to-day are the legitimate and logical sequence of the action of these detestable creatures. My doctrine and instincts alike demand that upon any and all occasions I should speak out, and let what I say be tried upon its merits. I have no fear though, that this question will be made a political one. I do not think that there are within the limits of this State a sufficient number of men vain and foolish enough to undertake to erect as a standard of political action any form of supposed religious opinions. I do not believe there are any considerable number of men who will make it a condition of their suffrages hereafter, that the vote to be cast here shall be cast in a particular direction. I trust in God, sir, that we will be spared such a condition of things. But if it should come, and there must be a war of opinions, all I have to say is that I am prepared to bear my part in it. I would not, to-day, for the concentration of all the offices in the country into one, and my enjoyment of that one, sacrifice the opinions that I have, or the action that my conscience demands of me in connection with this subject."

#### ELEVENTH ANNUAL REPORT, 1861.

In this report Mr. Moulder argued the necessity of more money to make the schools effective; asked for an appropriation of five thousand dollars for a State Normal School, and published the report of the Committee on Normal Schools, appointed by the State Institute, of May, eighteen hundred and sixty-one; reported that the State Institute had been largely attended; that the transfer of the power of examining teachers from Trustees, to State and County Boards of Examination, was driving the quacks out of the occupation; touched upon the subject of schoolhouses; stated that the law authorizing the adoption of a State series of text books had been suddenly repealed near the close of the session of the Legislature of eighteen hundred and sixty-one, and asked for the passage of another; asked the Legislature to make some provision for school libraries; stated that within eight months after the passage of the Act of April twenty-second, eighteen hundred and sixty-one, one hundred and sixty-five thousand four hundred and sixty-three acres of township lands had been, or were about to be sold; and closed by referring to his previous reports relating to a State Military Institute.

#### SCHOOL LAW, 1862.

The legislature of this session passed an Act establishing a State Normal School in the City of San Francisco, and made an appropriation for that purpose of three thousand dollars.

#### TWELFTH ANNUAL REPORT, 1862.

In this report, the sixth and last report of Mr. Moulder, he recommended a plan for funding the indebtedness of the State to the Fund; that Trustees be required to report the amount of interest which they received from Township School Funds; that the State Education be empowered to adopt a uniform series of text books; that the second State Institute, held at Sacramento, had been well attended; that the State Normal School had been successful; and asked an appropriation of six thousand dollars; alluded to the Agricultural School under the Act of Congress granting the same; and closed by publishing his correspondence with Sta. Warren, who had declined to pay the semi-annual interest on the indebtedness to the School Fund.

Andrew J. Moulder was elected State Superintendent, on a Democratic ticket, at the fall election of eighteen hundred and fifty-nine, and took office on the first of January, eighteen hundred and sixty. He was re-elected by the same party in eighteen hundred and sixty-one, and went out of office December thirty-first, eighteen hundred and sixty-two. Mr. Moulder was re-nominated by the "Breckinridge Democrats" in eighteen hundred and sixty-three, but declined to accept the nomination.

#### SCHOOL LAW, 1863.

During this session of the Legislature the Senate Committee on Education referred the subject of revising and codifying the laws relating to the Superintendent of Public Instruction.

Public opinion was not yet sufficiently awakened to see the necessity of liberal taxation for support of schools, but many excellent suggestions were incorporated into the law.

These amendments will be found in the biennial report of the Superintendent, under the head of "School Law."

An Act was passed requiring all teachers, under penalty of being legally employed, and of forfeiting their salaries, to take the oath of allegiance:

"I do solemnly swear (or affirm) that I will faithfully serve and defend the Constitution and Government of the United States, and all enemies, whether domestic or foreign; that I will bear true allegiance, and loyalty to the said Constitution and Government; that I will, to the extent of my ability, teach those under my care and reverence, and uphold the same, any law or ordinance of the State, or Legislature, or any rule or obligation of any association, or any decree or order from any source whatsoever, notwithstanding; and further, that I do this with a pure heart, mind, and purpose, without any mental reservation, pledge, and purpose, without any mental reservation, whatsoever; and I do further swear (or affirm) that I will support and defend the Constitution of the State of California. So help me God."

An Act was also passed providing for the gradual funding of the indebtedness of the State to the School Fund, which amounted at that time to four hundred and seventy-five thousand five hundred and twenty dollars.

Under authority of an Act, approved May third, eighteen hundred and fifty-two, providing for the disposal of the five hundred thousand acres granted to this State by Act of Congress for the purpose of internal improvements, and reserved by the State Constitution for school purposes, it was made the duty of the State Treasurer to convert the proceeds "into bonds of the civil funded debt of the State, bearing seven per cent interest per annum, and to keep such bonds as a special deposit in his custody, marked 'School Fund,' to the credit of said School Fund."

This provision was never complied with, for payments were made in depreciated scrip, or Controller's warrants; the scrip paid in was cancelled, and to this extent the School Fund was used by the State to defray the ordinary expenses of government. The State, therefore, owed to the School Fund the sum of four hundred and seventy-five thousand five hundred and twenty dollars, derived from the sale of two hundred and thirty seven thousand seven hundred and sixty acres of land, sold prior to April twenty third, eighteen hundred and fifty-eight.

The State has always recognized this debt by appropriating annually for school purposes a sum equal to the interest at seven per cent per annum upon the amount of this indebtedness. But the school department was placed completely at the mercy of the annual general appropriation bill, and if no appropriation was made, as was the case in eighteen hundred and sixty-one and eighteen hundred and sixty-two, there was no redress.

The Act approved April fourteenth, eighteen hundred and sixty-three, provides for the gradual funding of this unfunded debt to the School Fund, by requiring that whenever State bonds are redeemed, such bonds to such amount as shall thus be redeemed with the sum of four hundred and seventy-five thousand five hundred and twenty dollars, shall not be cancelled, but shall be kept as a special deposit in the custody of the Treasurer, marked "School Fund," in the same manner and for the same purposes as are the bonds directly purchased for said School Fund.

This was an important measure. Under its provisions the entire indebtedness of the State to the School Fund, with the exception of thirty-one thousand dollars, has been converted into State bonds at seven per cent.

The total amount of the State School Fund invested in State bonds is six hundred and fifty-one thousand dollars.

### THIRTEENTH ANNUAL REPORT, 1863.

Andrew J. Moulder was succeeded, January first, eighteen hundred and sixty-three, by the present incumbent, who was nominated and elected by the Union party in the election of September, eighteen hundred and sixty-two. The unprecedented fact that a schoolmaster, and not a politician, was nominated and elected, was probably owing to the circumstance that a newly formed party is always liable to make blunders. The constitutional amendments adopted by the people in eighteen hun-

dred and sixty-two, having cut short his term of office from to eleven months, he was re-nominated by the same party, and for a term of four years.

The thirteenth annual report was a volume of two hundred and sixteen pages, much larger than any previous report. The following are some of the main topics of that report:

Receipts and Expenditures;	State Educational Society;
Schools;	County Teachers' Certificates;
School Children;	Reports and Blanks;
Attendance;	School Registers;
Teachers' Wages;	Order Books;
Change of Teachers;	State Normal School;
County Institutes;	<i>The California Teacher</i> ;
Errors in Reports of County Superintendents;	District School Libraries;
Reports of Teachers and Trustees;	Schoolhouses and School Architecture;
District School Trustees;	State Agricultural School;
Proceedings of State Teachers' Institute;	University Fund;
Convention of County Superintendents;	Condition of the School Fund
State Board of Examination;	Department of Public Instruction;
State Certificates and Diplomas;	Travelling, and Travelling Expenses;
State Series of Text Books;	Salary;
Arithmetic;	Annual Reports;
Grammar;	Contingent Expenses;
Geography;	State School Tax;
Readers;	The Schools and the State;
History of the United States;	Public Schools and Patriotism
	Military Drill in School.

The following is the argument in this report in favor of a tax:

"The most important measure which demands the attention of the State, is that of a State school tax for the better maintenance of schools. I believe the time has arrived in the history of our country when the absolute necessity of such action can be fully demonstrated when the efficiency of the schools cannot be greatly increased. Whenever the question of increased taxation is agitated, it is the duty of the State to show to the taxpayers and property holders that good and sufficient reasons are explicitly set forth, and that it should be clearly shown that the good requires it. The condition of the public schools, as shown in the statistical returns, will be to many minds conclusive evidence of the necessity of a State school tax; but the importance of the demands that argument should be added to the weight of the figures.

"Our American system of free schools is based upon two principles or axioms:

"First—That it is the duty of a republican or representative government, as an act of self preservation, to provide for the education of every child;

"Second—That the property of the State should be taxed to support that education.

"Simple propositions, they seem; yet they have been neglected upon in no other country but our own. Other nations have their national systems of instruction partially supported by the Government, and under Government control; but no nation in the world has ever organized a system of schools like ours, directly by the people, supported by taxation; free to all, without distinction of rank, wealth, or class; and training all children in



foreign or native born, to an intelligent comprehension of the duties, rights, privileges, and honors of American citizens.

"In the minds of the hard-fisted, iron-willed settlers of Massachusetts Bay, where, under the wintry sky of suffering, want, and war, the germs of our American school system struggled into existence, common schools and taxation were as inseparably connected as were taxation and representation.

"A few extracts from the old colonial laws will show how early our free school system sprang into existence. A section of the Massachusetts Colony laws of sixteen hundred and forty-two, reads as follows:

"'Forasmuch as the good education of children is of singular behoof and benefit to any Commonwealth; and whereas, many parents and masters are too indulgent and negligent of their duty in that kind; it is ordered that the Selectmen of every town shall have a vigilant eye over their brethren and neighbors, to see, first: that none of them shall suffer so much barbarism in any of their families as not to teach, by themselves, or others, their children and apprentices so much learning as may enable them perfectly to read the English tongue, upon penalty of twenty shillings for each neglect therein.'

"In sixteen hundred and forty-seven this law was followed by another, to the end, in the words of the statute, '*that learning may not be buried in the graves of our fathers in the Church and the Commonwealth,*' which required every town of fifty families to provide a teacher to instruct all the children of the town in reading and writing, and every town of a hundred families to set up a grammar school, with a teacher competent to fit young men for the university; the expense of these schools to be borne by the town, or by the parents, as the town should determine.

"In sixteen hundred and ninety-two, the law provided that these schools should be supported *exclusively by tax levied on all the property of the town.*

"It is impossible for us adequately to conceive the boldness of the measure which aimed at universal education through the establishment of free schools. As a fact, it had no precedent in the world's history; and, as a theory, it could have been refuted and silenced by a more formidable array of argument and experience than was ever marshalled against any other institution of human origin. But time has ratified its soundness. Two centuries of successful operation now proclaim it to be as wise as it was courageous, and as beneficent as it was disinterested. Every community in the civilized world awards it the meed of praise, and States at home, and nations abroad, in the order of their intelligence, are copying the bright example. What we call the enlightened nations of Christendom are approaching, by slow degrees, to the moral elevation which our ancestors reached at a single bound; and the tardy convictions of the one have been assimilating, through a period of two centuries, to the intuitions of the other.

"The establishment of free schools was one of those grand mental and moral experiments whose effects could not be developed and made manifest in a single generation. But now, according to the manner in which human life is computed, we are the sixth generation from its founders; and have we not reason to be grateful, both to God and man, for its unnumbered blessings? The sincerity of our gratitude must be tested by our efforts to perpetuate and to improve what they established. The gratitude of the lips only is an unholy offering.

"In seventeen hundred and eighty-five, an ordinance re-ferred to a committee, and passed on the twentieth of May, provided that the sixteenth section of every township should 'for the maintainance of public schools.'

"The celebrated ordinance of seventeen hundred and eighty-five, which confirmed the provisions of the land ordinance of 1787, further declared, that '*general moral education being necessary to good government and the happiness of men, and the means of education, shall be forever encouraged.*'

"As the results of this noble policy, more than fifty millions of the public lands have been set apart for the purposes of

"When such States as Illinois, Wisconsin, Kentucky, N. Ohio, find it necessary to superadd a State tax to town district taxes, is it probable that an efficient system of free schools ever be established in California without the same aid?

"Is it said—leave the question of taxation to the citizen? The fact that only eighteen districts voted a tax last year is evidence that the districts will fail to do their duty. If it were the Boards of Supervisors of the different counties will a tax sufficient to maintain good schools, the statistical exhibition of the schools proves the contrary. Only four counties in the State assess the maximum rate allowed by law.

"Shall we rely on the interest of the School Fund for our public schools? Our School Fund amounts to less than \$1,000,000, and it will not be largely increased for many years. The annual apportionment from that source amounts to \$1.00 per child; is that sufficient to properly educate the children?

"Can it be said, in view of facts, that California is doing well in maintaining public schools? She raises by taxation on land and forty-two cents per child, and the total amount of resources, rate bills included, is only seven dollars. Massachusetts, by tax, last year, six dollars and forty-four cents per child. The cost of educating in California is at least four times as great as in Massachusetts. The cost of educating a child in the public schools in the year, in San Francisco, where it is made a consequence of classification and the concentration of land, is twenty-one dollars per year. Is an average of seven dollars sufficient for the State at large? San Francisco derives from an average of thirteen dollars and seventy cents per child; with this liberal provision, the public schools are crowded to their utmost capacity, and one thousand children more would find room provided.

"Is it wise for legislators to fold their arms in apathy when twenty thousand children of school age, or twenty per cent, are reported as 'not attending any school?' Recognizing the principle 'that it is the bounden duty of the State to provide for the instruction of all youth?' When the time of school is continued is only six months in the year, that the children will be more than half educated? When the daily attendance on the public schools is only twenty per cent, of the whole number of children in the State of school age?



centage of attendance on the whole number enrolled is only fifty-five per cent, can the State be said to educate her children?

"When California has only two hundred and nineteen free schools out of seven hundred and fifty-four public schools, can she boast of her liberality in the presence of the other loyal States, whose schools are all free schools?

"If one State in the Union needs a system of free schools more than any other, that State is California. Her population is drawn from all nations. The next generation will be a composite one, made up of the heterogeneous atoms of all nationalities. Nothing can Americanize these chaotic elements and breathe into them the spirit of our institutions but the public schools.

"As the first step towards the organization of a system of free schools, and the better maintenance of the public schools, a special State school tax of half a mill on the dollar ought to be levied on the assessable property of the State. This would yield a revenue of at least seventy-five thousand dollars, (\$75,000,) or about one dollar per child—and two dollars per child on the number enrolled in the public schools. True, this would not make the schools free, neither would it continue them ten months in the year; but it would give a fresh stimulus to county and district taxation, and, in four years, would, I believe, give the State a system of schools virtually free.

"The public opinion of the State is in advance of legislation. After travelling extensively through the State, addressing public assemblies, with every facility for careful observation, it is my opinion that the people would indorse this measure, were it submitted to a popular vote, by an overwhelming majority.

"The following petition has been extensively circulated in the various school districts throughout the State:

"PETITION FOR STATE SCHOOL TAX.

*"To the Honorable the Members of the Legislature of the State of California:*

"WHEREAS, We believe that it is the duty of a representative government to maintain public schools as an act of self preservation, and that the property of the State should be taxed to educate the children of the State; and, whereas, the present School Fund is wholly inadequate to sustain a system of FREE SCHOOLS; we, the undersigned, qualified electors of the State of California, respectfully ask your honorable body to levy a SPECIAL STATE TAX of half a mill on the dollar, during the fiscal years eighteen hundred and sixty-four and eighteen hundred and sixty-five, the proceeds of the same to be disbursed in the same manner as the present State School Fund."

"All these petitions have not yet been returned to the Department of Public Instruction, and it is impossible to estimate the number of signatures obtained.

"In the districts where they have been circulated, teachers and school officers report that it was a rare exception to find a man declining to sign them, and that the only objection raised was that the petition did not ask for a higher tax.

"The names attached to this petition will be entitled to the serious consideration of legislators. They will represent the substantial citizens

of the State; men of families, men of property, men who, their names, considered it equivalent to voting the tax and

"It may be objected that, necessary as this measure is, condition of the State will not warrant the expenditure. But until there is a surplus in the Treasury, the children now will have grown up, half educated men and women, or without education whatever. True, the financial condition of the State, with a debt of three millions of dollars, and a floating debt of half as much, is bad enough; will it be bettered ten years hence, by having a thousand half educated boys admitted to the right of election? Does any legislator suppose that if every citizen in the State, thoroughly educated in good public schools to a knowledge of such a debt would have been fastened upon this State by recklessness, and by swindling schemes for plundering the Treasury, leave our children to suffer the same evils again in the future as have borne in the past?

"A State tax of half a mill on the dollar was levied last year. It will be levied annually, for carrying on the work of building the State; shall the work of building schoolhouses cease? By the time the Capitol is finished it will have cost as much as all the school State built up to that time. Is it not quite as essential that a State should be erected for educating a hundred thousand electors as a State should be built for the accommodation of a hundred a State?

"The State, at a heavy expense, has been placed upon a State; is it any the less necessary for its preservation in its State; be placed on an educational footing? Are not educated, intelligent men quite as efficient as a means of defence as iron batteries, or bayonets? The amount expended last year on public schools was more than half as great as the whole amount expended on public schools; was it expended to any better purpose? better returns to the State?

"Are we taxed more heavily than the States which have borne the burden of the war? Are we so tax-ridden and so poor that we cannot raise one fourth as much for educating our children as Illinois, or Massachusetts? California stands to-day the most the most prosperous State in the Union. When the people of the States, staggering under taxation, their sources of prosperity dried up, their able-bodied laborers more than decimated by the call of the war—when they declare that not a dollar less shall be raised, that not a schoolhouse shall be closed—shall California, of its own accord, shrink back from the duty of educating her children? Shall our inexhaustible resources of mineral wealth be expended on the brains of the children be left undeveloped? Shall we expend in constructing a Pacific Railroad, and the State's solid foundations of character and intelligence on which rest the present prosperity of the generation which will reap the benefit of the great highway of the world? Shall we make every sacrifice of money to maintain the Union, for a generation unfitted, of education, to appreciate either our sacrifices or the value of the education we leave them?

"The real wealth of the State lies not in mines of silver and copper—not in productive fields and fertile valleys, but in

men and intelligent free laborers. Educated mind has made the world rich by its creative power. The intelligent minds which have invented the hundreds of labor saving machines in every department of industry, have created a wealth greater than the total product of the mines of Mexico, California, and Australia combined. All these inventions were once dim ideas in the busy brains of educated men; ignorance found out none of them.

"How many feet of the Gould & Curry would it take to weigh down the value to the nation of the invention of Monitors and ironclads? For how much gold dust would the nation sell the invention of Parrott guns and the artillery which is throwing Greek fire into Charleston, and battering down the crumbling ruins of Sumter? How many dollars is the electric telegraph worth? How many cattle, and horses, and copper mines, the invention of sewing machines? What influence is so mighty in developing this creative power of society as the intelligence imparted in the public schools? Go to the Patent Office, and find out how many inventions come from the land of common schools, and how many from the States that have failed to establish them.

"The machinery brought into use since eighteen hundred and sixteen is estimated to be equal to the labor of five hundred millions of men.

"Ignorance never invented a machine to save the labor of a single man.

"The life of the nation lies not in a few great men, not in a few brilliant minds, but is made up of the men who drive the plough, who build the ships, who run the mills, and fill the machine shops, who build the locomotives and steam engines, who construct the railroads, who delve in the mines, who cast the cannon, who man the ironclads and gunboats, who shoulder the musket, and who do the fighting; these constitute the life and strength of the nation; and it is with all these men that the public schools have done and are now doing their beneficent work. The nation will not be saved by any one 'great man;' the bone and muscle of intelligent laboring men must work out its salvation. Blundering statesmen may mar the fortunes of the war; General after General may show up his own incompetence; the concentrated and consolidated intelligence of the working men and fighting men will, in the end, prove victorious. When the bayonet has done its work, the ballot box must protect the freedom won on the battle field. When every ballot represents an idea, and falls electrified with intelligence to 'execute a freeman's will,' the States will revolve harmoniously around the central sun of a consolidated Union; no star will shoot off in eccentric orbit into the chaos of disunion, or the cometary darkness and desolation of secession."

The thirteenth annual report closed as follows:

"The first official term of eleven months, for which I was elected to the office of Superintendent of Public Instruction, closes with this report, which has necessarily been prepared without even the opportunity of revision, at odd intervals of time, snatched from the performance of other office duties.

"The importance of the various subjects presented has precluded the possibility of a brief report; and, as the school reports of other sections of the Union seldom reach this State, I have quoted extensively the views of eminent educational men, for the purpose of imparting to school

officers some information concerning the progress of public schools in the older States.

"I have endeavored to set forth in plain words the demands of our public school system. Could I have conscientiously so, it would have been pleasanter to have found more to censure; but unmerited laudation seldom effects new reforms.

"In entering upon another official term of four years I comprehend in some measure the magnitude of the work to which I assume the task in no spirit of self-confidence. Having devoted my whole life to the profession of teaching—having taught in the public schools of this State—I have an ambition to co-operate with many earnest and devoted teachers in California who have awakened public opinion to a truer estimate of the relation of the teacher to the future permanence and prosperity of the State, an estimation of the profession of teaching. The efforts of Superintendents, however, will effect comparatively little, unless aided by judicious legislation, which shall anticipate the future, and prevent the present.

"I appeal to every legislator, in considering the question of school tax, to bear in mind that his vote will influence the hundred thousand children for good or for evil; that two children in the State are growing up 'not attending any school,' the best 'franchise' which can be granted to the State is a young man trained to an intelligent patriotism; and that anticipating the future, sometimes consists in a liberal means, rather than in short-sighted retrenchment."

#### SCHOOL LAW, 1864.

The supplementary and amendatory bill prepared by the Superintendent of Public Instruction, and introduced by the Committee on Education of the Assembly, Mr. J. J. Owen, Chairman, contained the following provisions:

*First*—Levying an annual State school tax of five centred dollars of taxable property in the State, to be applied in the same manner as the interest of the State School Fund.

*Second*—Requiring each county to levy a minimum cor equal to two dollars for each child between four and eight age.

*Third*—Raising the maximum rate of county tax allowed to twenty-five cents to thirty cents on each one hundred dollars of taxable property.

*Fourth*—Making it the imperative duty of Public Schools to levy a direct property tax sufficient to maintain a public school in each year, whenever the State and county school funds are insufficient for that purpose.

*Fifth*—Authorizing County Superintendents to subscribe for a number of copies of some State educational journal to furnish to the School Trustees in the State with one copy, at an expense of one dollar a year.

*Sixth*—Allowing County Superintendents a sum for printing and pressage equal to two dollars for each school district.

*Seventh*—Requiring history of the United States, and physiology and hygiene, to be studied in all the schools above the grade of primary.

*Eighth*—Relating to the subdivision of school districts.

This bill passed the Assembly without opposition, but in the Senate a determined fight was made to defeat it. The following is the Senate vote on this bill, which was the greatest advance ever made in school legislation in the State:

**AYES**—Benton, Burnell, Crane, Cunningham, Foulke, Hall, Haswell, Kutz, Maddox, McMurtry, Moyle, Porter, Roberts, Shepard, Tuttle, and Wright—18.

**NOES**—Buckley, Dodge, Evans, Freeman, Gaskill, Hamilton, Hawes, Montgomery, Pearce, Redington, Rush, and Shafter—12.

The results of this legislation will be found in the statistics of the biennial report of the State Superintendent for the school years eighteen hundred and sixty-four and eighteen hundred and sixty-five.

#### STATE TEACHERS' CONVENTIONS AND INSTITUTES.

The first State Teachers' Convention, called by State Superintendent Hubbs, was held in the City of San Francisco, December twenty-sixth, twenty-seventh, and twenty-eighth, eighteen hundred and fifty-four, Mr. Hubbs presiding. No roll of members appears on the manuscript minutes, but about one hundred teachers, and other persons interested in school matters, from various parts of the State, were in attendance.

On the first day, business committees were organized, and resolutions adopted favoring the introduction of physical exercises and vocal music in public schools. Colonel E. D. Baker was introduced to the Convention, and made an eloquent address on the subject of general education, and painted in glowing language the future of California. Remarks were made by Reverend M. C. Briggs, Reverend John E. Benton, and Doctor Gibbons. Doctor Winslow read an address on the "Use of the Bible in Public Schools," and the Reverend S. V. Blakesly one on "Phonography in School."

On the second day, the Chairman of the Committee on Institutes, J. M. Buffington, of Stockton, made a report, which was adopted, recommending the appointment of a committee of seven, to make immediate arrangements for organizing a State Institute. John S. Hittell introduced a resolution, which was adopted, providing for the appointment of a committee to memorialize the Legislature on the subject of libraries. Mr. Gates moved the appointment of a committee to report a State series of text books. Essays on the management of primary schools were read by Mrs. Hazleton, Mrs. Clapp, Mrs. Williams, Miss Allyn, and Miss Austin. Mr. Wells, of Sacramento, read an essay on the "General Management of Schools," and Mr. Phillips, of Stockton, on the "Free School System." Mr. Buffington, of Stockton, delivered an address on "Education," and Sherman Day spoke on the same subject. John Swett read an address on the subject of "Elocution in the Common Schools," and J. C. Morrill an able address on "Unclassified Schools." Mr. Blakesly submitted a resolution in favor of phonography in schools,

which was adopted by a vote of fourteen to twelve. Mr. W. Ramo, introduced a resolution in favor of the co-education of sexes, which was adopted after an animated discussion. After complimentary resolutions, the Convention adjourned.

The proceedings of this Convention were characterized by a degree of interest; the essays and addresses were general, and no improvements in school law worth mentioning were made, and it left no mark on the educational history of the State.

#### SECOND STATE TEACHERS' CONVENTION

The second State Teachers' Convention met at Benicia. An eighteen hundred and fifty-six, State Superintendent Hubbs presiding. Mr. Hubbs made a short introductory address, in which he expressed the superiority of the English language over all others, and the idea that it would be the "ruling language and the universal language of the future." A committee was chosen to report on the establishment of institutes. The Committee on Text Books, Mr. Swett, Chairman, reported a resolution favoring the adoption of Cornell's series of text books, which, after a long and animated debate, was adopted.

County Superintendent Myers, of Alameda, favored the system of moral ethics in school.

The subject of physical training by gymnastic exercises was ably discussed.

Mr. Sherman, from the Committee on Text Books, reported a resolution in favor of general use.

General Wool being introduced to the meeting, made a speech in which he complimented the ladies, and said that all the women owed their education and the formation of their character to women.

Mr. Morrill, of San Francisco, offered a resolution in favor of the Bible in the public schools, which, after an exciting debate, was adopted by twenty-one to sixteen.

Essays were read by Mr. J. C. Morrill, of San Francisco, on "General Punishment;" by Mr. Monroe, of Solano County, on "Physical Training;" by Mr. Wells, of Sacramento, on "Course of Study;" by Mrs. Hill, of San Francisco, on the "Mission of Female Teachers."

The Convention was not largely attended, only sixty men present. No important measures were acted on, and it gave no renewed impulse to the interests of education.

#### FIRST STATE INSTITUTE.

The first State Institute, called by State Superintendent Hubbs, was held in the City of San Francisco, May twenty-seventh, eighteen hundred and sixty-one, and continued in session five days, with a total attendance of about one hundred teachers.

of two hundred and fifty members. The Legislature of the previous year had made an appropriation of three thousand dollars for the purpose of aiding State Institutes.

In his inaugural address, Mr. Moulder alluded to the efforts made for several years to secure a State appropriation; stated the plan of proceedings, which devoted the morning sessions to regular Institute lectures, and the afternoon sessions to a convention; that the adoption of a State series of textbooks was one important measure to be acted upon; recommended the appointment of committees on school laws and State Normal School; and summed up the improvements made in the school laws during a period of four years.

George W. Minns, of the San Francisco High School, delivered a very critical, full, and able address on "Methods of Teaching."

Mr. Swett, who was appointed to present the subject of "Object Teaching" and "Gymnastics," introduced first an object lesson on "an apple," and then a gymnastic class from the Rincon School, which went through with double and single dumb-bell exercises, free gymnastics, calisthenics, wands, and Indian club exercises.

Mr. Minns, from the Committee on Natural Sciences, reported in favor of text books in natural history and natural philosophy.

James Denman, City Superintendent of Schools, delivered an address on "School Discipline." Mr. Minns, of the high school, exhibited Holbrook's Boston school apparatus, and explained its use.

Mr. Sparrow Smith moved that a committee of three teachers be appointed to report on establishing a State Teachers' journal, and Messrs. Smith, Gates, and Minns were appointed.

E. H. Holmes, from Committee on Moral Science, recommended the adoption of Wayland's Elements and Cowdery's Elementary Moral Lessons. Miss Lucy A. M. Grove presented a minority report, dissenting from "Wayland," for the following reasons:

"Whatever views may be entertained upon the subject of slavery as an abstract question, it must be acknowledged on all hands that it is a legal institution in a portion of our country, and recognized as an existing fact by the Constitution of the United States. It is also an indisputable fact that the continual agitation of this subject in Congress and throughout the North has resulted in the dismemberment of our Union.

"If our Federal compact is to be restored, it must be by leaving the domestic institutions of the South to the exclusive control of the South, and relieving that portion of our country from the danger in which the continued discussion of this subject must involve it. But how is this agitation of the question to be stopped if our school text books are to be full of it, and the youth of our country are to be taught to abhor the evil and the section where it exists, notwithstanding the fact that the political relationship of the North and the South forbids this irritation of sectional feeling and the jeopardizing of sectional interest? It is for reasons of policy and duty, politically and socially considered, that I object to the use in our public schools of any text book which treats of the subject of slavery."

Theodore Bradley delivered an address on the "Study of Grammar," and George W. Bunnell an address on the "Art of Memory."

George W. Minns was made Chairman of a Standing Committee on Text Books, to report at the next Institute. Mr. Smith, of Sacramento, from the Committee on State school journal, reported in favor of appointing a

standing committee to devise ways and means for publishing a journal, and after the appointment of this committee, adjourned sine die.

## SECOND STATE INSTITUTE.

The second State Institute was convened in Sacramento at the residence of Moulder, on the twenty-third September, eighteen sixty-two, and continued in session three days. One hundred members were in attendance.

Superintendent Moulder made a brief introductory address. John Graham, of Columbia, presented the subject of "Mental Arithmetic." Mr. William S. Hunt conducted an exercise on the sounds of the English language. Mr. George W. Bunnell presented an address on the "Art of Memory," illustrated by a pupil from which the audience were highly delighted.

Mr. Minns, Chairman of Standing Committee on Text Books, presented a lengthy and exceedingly valuable report on that subject. His report on text books was long and animated. The following Unanimous Resolutions were unanimously and enthusiastically adopted:

"Resolved, That we regard our American system of free schools as the surest safeguard of the purity of the ballot box, a preservation of our republican form of government.

"Resolved, That our public schools, in this great nation, should prove themselves not only the sources of general intelligence to the people, but also the grand nurseries of patriotism and constitutional liberty.

"Resolved, That while all partisan and sectional influences should be most carefully excluded from our public schools, their truthfulness of minds and hearts of the rising generation should be devoted to the national flag, and a national enthusiasm for liberty which shall make every schoolhouse in our country a house of freedom.

"Resolved, That we, as teachers, pledge ourselves to a firm support of the Constitution and the Union, under the auspices of which our system of common schools has been organized.

"Resolved, That the teachers of our country who have been the 'Army of the Union,' and are now fighting under the national flag, be entitled to all honor, and that we bid them God-speed in suppressing a rebellion which is opposed alike to education and to modern civilization.

"Resolved, That we give our patriotism a practical expression by encouraging subscriptions for the Patriotic Fund in our schools, and in all places where we are employed as teachers."

At the State Institute of eighteen hundred and sixty-two, no resolutions were tabled for fear of offending conservatives.

Mr. Pierce, of Yolo, introduced a resolution in favor of a uniform State series of text books, which after a long delay was adopted by a vote of twenty-six to twenty-four.

Mr Sparrow Smith introduced a resolution, which was adopted, to appoint a Standing Committee of twelve on State Teachers' Journal.

Mr. Minns delivered a very eloquent and able lecture on "Moral Instruction."

Superintendent Moulder then closed the Institute with the following remarks:

"Before putting the question to adjourn sine die, I desire to express my earnest thanks for the kindness and consideration you have exhibited toward your presiding officer, and more especially for the warm and flattering terms in which you have seen fit to speak of my official action during the past six years.

"It is deeply gratifying to find that I have met the approval of those who ought best to know how I have performed the duties of my office, and whose good opinion is therefore most to be desired.

\* \* \* \* \*

"My connection with you, fellow workers in the cause, has always been harmonious and agreeable. In retiring to private life, I shall retain a pleasing recollection of our long association. From the bottom of my heart I wish you all a prosperous and happy career. Thanking you again for your unvarying courtesy and your kind expressions of approval, I bid you farewell, and declare this Convention adjourned sine die."

### THIRD STATE INSTITUTE.

The third State Institute, called by State Superintendent Swett, met in San Francisco, May fourth, eighteen hundred and sixty-three, and continued in session one week. In the month of February, eighteen hundred and sixty-three, the State Superintendent issued an Institute circular to school officers and teachers, giving a detailed daily programme of exercises. The advantages arising from Institutes were thus set forth:

"No event in the history of education in the United States has proved so fruitful of beneficent results as the organization of Institutes and Conventions. They are not intended as substitutes for normal schools, nor can they educate teachers to the business of their profession; yet they serve the most admirable purpose of improving those who are only temporarily engaged in the profession, of furnishing those who are not systematically trained with the best methods of instruction, and of increasing the efficiency of professional teachers.

"The exercises of an Institute involve an outline view of subjects relating to the proper mode of imparting instruction, present the latest information regarding the progress of education in our own and in other countries, and afford an occasion for experienced teachers to present practical views, which cannot be obtained from books. The best thoughts and best acquisitions of the most original teachers are elicited and thrown into the common stock of professional knowledge. They influence public opinion, by bringing the teacher's labors more prominently before the community, and by promoting a higher estimate of the common school in its vital relation to society and the State. The routine

of a teacher's daily life limits his influence to the narrow schoolroom; but the proceedings of an Institute are carried to thousands of families in the State, and his views become an element in public opinion. No obstacle to the progress of free schools so formidable as the apathy and indifference of the people. The most winning, and logic the most convincing, alike fall on the ears of those who see nothing in the establishment of common schools but an increase of the rates of taxation.

"If the people of our State are indifferent to public schools because more absorbing topics engage their attention, while national interests are not urgently and persistently presented to them.

"The teachers of California constitute the advanced guard army of instructors in the United States, cut off from all communication with the main body, and too distant to feel the influence of the national government, which are perfecting the drill and discipline of the corps in the States. There are more than six hundred men engaged in this State, embracing, probably, a greater amount of talent, ability, than would be found in the same number in older States. These are men of high attainments, forced by the circumstances of the new State into the temporary occupation of teaching; liberally educated, and schooled by experience and travel, familiar with the new methods of instruction known to the professional teacher; and to such, the practical knowledge comes from a single session of an Institute is invaluable.

"Nor is the Institute less productive of useful results to the educated teachers.

"Associations and conventions in other States have changed from a monotonous routine to a skilful art. The abstract, pedantic, book-bound style of the old-school teaching has been replaced by more natural and philosophical methods of developing the mind.

"And while Institutes have accomplished so much in introducing new methods of instruction, they are no less beneficial in their influence on the mental habits of the teachers. Constantly imparting to him his own, his faculties exercised in one direction only, his mind seldom called forth, he needs the stimulus of contact with superiors. A vigorous contest in a new arena lessens his self-interest and brightens his faculties.

"It is a common notion that the occupation of teaching is narrow-minded, or leads him into eccentricities which stifle his natural powers; but it is not true of a teacher who has in him the living scholarship. He may, it is true, run in the grooves until he becomes a machine for dragging the dead weight of tradition, but, on the other hand, he may, while imparting to others, draw from the perennial fountain of true scholarship.

"But no occupation is more exhausting to nervous force than teaching; and the teacher needs, above all, the cheering influences of pleasant social intercourse with those whose habits are similar to his own.

"No wonder, then, that the schoolmaster, buried in some remote, surrounded only by the raw material of mind, which he weaves into a finer texture, without access to books, his work misunderstood or aspersed, his labors often seemingly barren.

his services half paid, with no amusement but the collection of delinquent rate bills, and no study but 'how to make both ends meet;' no wonder that he sometimes becomes moody and disheartened, loses his enthusiasm, and feels that the very sky above him is one vast black-board on which he is condemned to work out the sum total of his existence.

"He only needs the social intercourse of Institutes, and the cordial sympathy of fellow teachers there evoked, to make the heavens glow with hope. There he finds his difficulties are shared by others, his labors are appreciated, and his vocation respected.

"The duties of the teacher are not limited to the schoolroom; his influence should extend to society around him. If teachers fold their arms in listless apathy, it is not strange that public opinion is 'dead as a door nail' to their demands. There was a time when a man taught school because he was fit for nothing else; but all such fossils lie buried in the strata of past educational epochs. Now, a living man is asked for—not an abridgment of mathematics.

"As teachers, we are debtors to our profession; and our patriotism in this great crisis of national affairs ought to incite us to an earnest devotion to the advancement of our system of free schools; a system essential to the existence of a free people, and the permanence of a free government.

"It is our duty to implant and cultivate in our schools a higher regard for freedom, a sounder faith in the fundamental principles upon which a representative government is based, and a higher estimate of the incalculable blessings conferred by the Constitution—firm in the conviction that our country is working out for the future, amid the present storm, a higher order of civilization and a nobler conception of liberty."

Pursuant to this call, a large and enthusiastic Institute assembled in the New Music Hall, the largest and finest hall in the city. Four hundred and sixty-three registered members were in attendance. The daily sessions were also attended by hundreds of other persons, and at the evening lectures the hall was filled to its utmost capacity.

The course of evening lectures was as follows:

Lecturer.	Subject of Lecture.
George W. Minns, of the San Francisco High School; Prof. J. D. Whitney, State Geologist; Rev. Thos. Starr King;	Physical Geography of the United States. Character of Humboldt.
John Swett, Superintendent of Public Instruction;	James Russell Lowell, or the "Bigelow Papers." Duties of the State to Public Schools.

Addresses and essays were read during the day sessions of the Institute, as follows:

Author.	Subject.
Prof. S. I. C. Swezey;	State Normal Schools to teach English C
Rev. S. H. Wiley, Vice President of the College of California;	The Place and Relation of the College in our System of Education.
Theodore Bradley;	School Discipline.
H. P. Carlton;	Object Teaching.
D. C. Stone;	Grammar.
Bernhard Marks;	Waste in School.
Superintendent Swett;	Common Sense application.
Rev. John E. Benton;	Elocution.
John S. Hittell;	Defects in Teaching.
Dr. F. W. Hatch;	Need of Good Teachers.
Hubert Burgess;	Linear Drawing.
Abira Holmes;	Report of State Normal Schools.

The proceedings were published in a neat pamphlet form of one hundred and sixty-six pages, and an edition of two thousand five hundred copies was distributed among teachers and school officers.

In his opening address, the State Superintendent made the following remarks:

"We assemble under favorable auspices, and I trust and hope that the deliberations of this Institute will be conducted in a wise, patriotic manner. We have nothing whatever to do with the question of whether we have much to do with patriotism, and much to do in bringing our school system to a full support of the Union and the Government. The Government has given it to us and to our whole land. Had it not been for the forethought of the General Government in reserving the right for the support of public schools, we might not be assembled here, and when the history of the spirit of our public schools is so closely connected with every fibre of that flag under whose folds we meet, I can receive how the teachers of this Institute, as the representatives of the public school system, can be otherwise than imbued with patriotism."

One of the most important results of the Institute was taken in favor of a State tax for the support of schools.

The State Superintendent urged the measure in his opening address, as follows:

"The second proposition is: That the property of the State be taxed to educate the children of the State. The only justification for taking any man's money for a public purpose, is that the law requires it. But, says some stiff-necked tax payer, 'I have no children at my own expense;' or, 'I have no children to educate;' should I be taxed to pay for educating the children of other people? "But, children arrived at the age of maturity belong to their parents, but to the State, to society, to the country. Govern-

on them for the defence of the Constitution and the laws. Take the half a million of men now in the army; what are they doing but defending the property which has been taxed to educate them? Without them, what would property be worth?

"Again: every able bodied laborer adds to the wealth of the community; for the real wealth of a State lies in its amount of productive labor. Educated labor is more productive than ignorant labor. The testimony of all the mills, factories, and workshops of the world is, that intelligent artisans are far more profitable than ignorant ones. Raise the standard of education among working men, and the productive value of property is increased. Ignorance and idleness are companions; vice and ignorance are companions. Experience shows that the education of the masses affords better protection to good morals, and more security to the rights of property, than all the criminal enactments that can be made, or the prisons that can be built. Intelligence makes labor respectable and honorable. Brute labor—the labor of the menial—is no more honorable to-day than when the unwilling millions toiled on the Pyramids of Egypt. The intelligent brain gives dignity to the toil hardened hand. But we may base the necessity for general education on still broader grounds. Every man born into the world to enrich it by his labor, claims an education as an inalienable right, as much as liberty, food, air, or light. Civilization is the result of the labors of all generations which have existed upon the earth. Our laws, our institutions, books, arts, sciences, and inventions, are mostly the products of generations which have preceded us. What a child-like generation ours would be were the printing press and steam power swept out of existence! The generation now living strikes its roots deep into the mental strata of the globe, and draws its nutriment from all past generations. As the miners gather the mineral wealth of our State, upheaved by the convulsions of great geological epochs which thrust up the broken ribs of the earth through granite crusts, so do we enrich ourselves with the wealth of past time uplifted by the convulsions of nations. Having been educated by the labors of preceding generations, we cannot escape the responsibility of educating those who are to succeed us. Every man who is indebted to society for an education, is in duty bound to discharge that debt by educating the child who is to succeed him.

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"Illinois, Wisconsin, and Michigan assess an annual State tax of two mills on the dollar for school purposes, in addition to the interest on School Funds, and district, and county, and township taxation. Massachusetts raises a State school tax of one mill and sixty-five hundredths on a dollar; New York, of three fourths of a mill. In Ohio the direct State tax amounts to one million two hundred and one thousand dollars. In Illinois the district school Trustees are required by law to assess a district tax sufficient, with the money derived from the State, to continue school at least six months in the year, and the amount derived from this tax in eighteen hundred and sixty was more than one million of dollars. Is our State so poor, or so tax ridden, that she cannot levy *any* tax on the property of the State to educate her children? Has she done her duty when she pays seven per cent interest on the School Fund, and appropriates six thousand dollars for a normal school?

"Next year a special State tax of half a mill on the dollar ought to be levied for the support of public schools. When the State does nothing, the counties and the districts cannot be expected to do everything. I believe the people of the State would pay it cheerfully. The State ought

to be able to do one fourth as much as Illinois, Wisconsin, and San Francisco has raised, for several years, a school tax of half mills on a dollar; the people have cheerfully paid it; and doubt her excellent schools have drawn to the city many families, and increased the taxable property of the city thousands of dollars. The lack of schools in many parts of the State has kept from our shores thousands of families which other States have gladly settled here; and one of the first questions asked with a family in purchasing property is: "What are the advantages of the schools?"

"If the School Trustees, school officers, school teachers, and all who have faith in public schools, will act with earnestness during this year, I am confident that the next Legislature will respond to their appeal for aid.

"A State tax of half a mill on the dollar has been levied to carry on the work of building up the State Capitol; is it necessary that the work of building schoolhouses should not be carried on? Of what use will a magnificent State Capitol be, unless educators are sent there to fill it? The State is to be placed on a footing. It is equally necessary that it should be placed on a national footing, for educated and intelligent men are a stronger foundation than Monitors, Columbiads, or field batteries. During the darkest days of our national adversity, the work upon the dome of the Washington, was carried on without cessation, even under the enemy's cannon—a fitting type of the faith of the people in the permanence of our Government and the stability of our institutions. Public schools are not the dome of the republic, but the solid foundations on which is based the permanence and the nation.

"We, of this generation, fall back upon the sword and the bayonet to sustain the laws; but if we expect our children to be capable of sustaining the laws; but if we expect our children to be capable of sustaining the laws, let us not stultify ourselves by failing to educate our children. It is not true that we are doing as much for schools as other States. The City of Boston last year expended a hundred thousand dollars for schools than the whole State of California.

"We sprang at once into a high degree of civilization; our children have immediate and rich returns for labor, and we are unworthy of the inheritance the sun shines upon if we do not provide a system of schools which shall furnish the means of education to every child. California, just entering on a renewed career of progress, has the recent discoveries of fabulous mineral wealth, contrived to neglect her schools. Shall California, just entering on a renewed career of progress, have more schools than the States where ice and granite take the place of gold? Is the table of ten mills one cent—ten cents or dimes one dollar—ten dollars one eagle—the only ten cents of the State our children shall be taught? Is the national ensign of the State like the calf of molten gold the children of Israel worshipped? Is the State, to be made a great golden buzzard? Is metal more than mind, and 'feet' more than the little brain-engines of the schoolhouses?

"Shall we pay thousands of dollars annually for blooded cattle, and let the children run wild, like Spanish cattle? Shall we dig artesian wells through all our valleys, and keep the living fountains of knowledge sealed to the thirsty children? Shall we send



for choice foreign vines, and leave the children to grow up like the wild mustard which covers our fertile lands with its rank growth?

"The effect of our abundant wealth, unless its possessors shall be educated and trained to use it in intellectual pleasures and refined enjoyments, will be to sweep us into the rankest and grossest forms of materialism. Our population is drawn from all nations, and from all parts of the globe. The next generation will be a composite one, made up of the heterogeneous atoms of all nationalities. Nothing can Americanize these and breathe into them the spirit of our institutions but the public schools. No other agency under heaven can crystalize these inharmonious elements into the form and beauty of the highest civilization.

"Intelligent free laborers are working out the great problem of civilizing this continent; intelligent fighting men are consolidating its Government; and, underlying all, the public schools are silently forming a sound national character. Free as air, vital as electricity, and vivifying as the sunlight, they act on the organic forces of the nation as these three physical agents build up the life of the globe out of inorganic matter.

"The insurrection will be put down by the sword and the bayonet; treason will be rooted out by armed men; but even then the only strength of the Union will be in a public opinion based on an intelligent comprehension of national affairs by the people of the whole nation. Unless the laws of the several States are administered by rulers chosen by electors whose ballots fall vitalized by intelligence, no standing armies, no Constitutions, can hold them in harmonious spheres around the central sun of a representative government. They will shoot off in eccentric orbits into the unfathomable darkness of dissolution and chaos, never to return.

"It is a Prussian maxim, 'Whatever you would have appear in the life of the nation you must put into the schools.' If the schools inculcate, with intellectual training, love of country, cordial submission to lawful authority, moral rectitude, some knowledge of the theory and organic structure of our government, and a true spirit of patriotism, then shall our citizens be truly men, and our electors princes indeed.

"When I consider the power of the public schools, how they have disseminated intelligence in every village and hamlet and log house in the nation, how they are moulding the plastic elements of the next generation into the symmetry of modern civilization, I cannot think that our country is to be included in the long list

"Of nations scattered like the chaff  
Blown from the threshing floor of God."

"I hold nothing in common with those faint-hearted patriots who are beginning to despair of the future of our country. The latent powers of the nation are just coming into healthful and energetic action, and, in spite of treason, are moving the republic onward and upward to a higher standpoint of liberty. What though it comes to us amid the storm of battle and the shock of contending armies!

"Not as we hoped!—but what are we!  
Above our feeble aims and plans  
God lays, with mightier hand than man's,  
The corner stones of Liberty."

"The Anglo-Saxon race, even in its ruder years, always had inherent power of independence and self-government. Tell now, when this stubborn vitality and surplus energy, expended in overrunning the world, are guided by intelligence and Christianity, this same race is to be stricken with the palsy a two years' war.

"The two millions of boys now in the public schools, the great 'Union League,' electrified by intelligence, cemented of one blood, one language, one course of instruction—st power to perpetuate the Union as the great 'Union Leagues' citizens of the nation are now organizing for its defence. the completion of the Pacific Railroad, these new recruits, from public schools, will push their way across the continent, as swarmed out from their northern hives, a vast army of occupying the 'National Homestead,' and fortifying the whole munition by a *cordon* of schoolhouses that shall hold it for heritage of free labor, free men, and a free nation.

"So shall the Northern pioneer go joyful on his way,  
To wed Penobscot's waters to San Francisco's bay;  
To make the rugged places smooth, to sow the vales with grain,  
And bear, with liberty and law, the Bible in his train;  
The mighty West shall bless the East, and sea shall answer sea,  
And mountain unto mountain call, PRAISE GOD, FOR WE ARE FREE

The recommendation for a State tax met the approval of the State Superintendent was instructed to prepare a report for the Legislature on the subject, and to circulate it in the district in the State.

The following form was accordingly prepared, circulated by more than six thousand voters:

#### "PETITION FOR STATE SCHOOL TAX.

"To the Honorable the Members of the Legislature of the State of

"WHEREAS, We believe that it is the duty of a representative body to maintain public schools as an act of self preservation property of the State should be taxed to educate the children of the State; and, whereas, the present School Fund is wholly insufficient to sustain a system of free schools; we, the undersigned, of the State of California, respectfully ask your honorable body to pass a special State tax of half a mill on the dollar during the next year, the proceeds of the same to be disbursed in the same manner as the State School Fund."

The next important measure was the action relating to a national journal:

D. C. Stone, of Marysville, from the standing committee of the year, reported against the practicability of starting such a journal. Sparrow Smith, also of the committee, in a minority report urged an attempt to establish one.

Professor Swezey, J. L. Wilbur, J. C. Pelton, George Stratton, Melville of Nevada Territory, Alley of Sonoma, and Dr. Gibb Rodgers rose in opposition.



A committee, consisting of Messrs. Smith, Tait, and Seymour, was appointed, who reported in favor of establishing a State educational journal, called the *California Teacher*, to be published at one dollar per annum, and to be edited by a Board of resident editors, consisting of John Swett, George Tait, and George W. Minns. Mr. Minns declined to serve, and nominated Professor Swezey to fill his place. The first number of this journal was issued in July following.

### STATE EDUCATIONAL SOCIETY.

In his circular calling an Institute, the State Superintendent thus alluded to the necessity of making teaching a profession :

"The time is rapidly approaching when teaching *must be recognized as a profession* ; when a diploma from a normal school, or a certificate of examination by a legally authorized association of teachers or a State Board of Examination, shall be a license to 'teach school,' until revoked by those who issued it. In Pennsylvania, graduates of the normal school receive with their diploma, a 'license' conferred in conformity with an express Act of the Legislature, by the State Inspectors, and authorizing the recipients to teach within the limits of the State, without being subject to further examination. In Illinois, certificates from the State Board remain in force for life, unless revoked for special cause. In New York, a similar law is in force. It is to be hoped that the teachers who respect their occupation will soon demand a similar law in California. Educational conventions, in every part of our country, express a general desire for a distinct and definite recognition of the occupation of teaching by forms equivalent to those now existing in law, medicine, and theology. It is true, there are many who make teaching a temporary occupation, a stepping-stone to other pursuits, and there is no objection to this when they are duly qualified for the noblest of human duties; but there is a large class, becoming larger every year, who desire to make it the occupation of a life—an occupation which calls for a range of acquirements and a height of qualification fully equal to that of the liberal professions.

"Why should not the pioneer teachers of this State, in the next Institute, take similar measures of self-organization, self-recognition, and self-examination, and raise themselves above the humiliating necessity of submitting to an examination by members of other professions, or of no professions at all? A State Educational Society could be organized by those who shall pass the next examination by the State Board, those who hold diplomas of graduation from normal schools, and the Professors in the various colleges and collegiate schools of the State. This society could become legally incorporated at the next session of the Legislature, and other members could be admitted from time to time by passing a regular examination and receiving diplomas. Such certificates would soon be gladly recognized by unprofessional examiners (many of whom, though men of education, feel that they are not duly qualified to sit in judgment on the competency of teachers for their peculiar work) as the best possible assurance of fitness to teach. And teachers may rest assured that legislative enactments would soon follow, making such

diplomas prima facie evidence of ability to teach in any State without further examination.

"Some such steps we are called upon to take by the large accomplished men and women who are entering on our vocation are called upon to act, not only in justice to scholarship and in self-defence against imposters and pretenders; and we may avow a desire to exclude all who unworthily or unfitly intrude themselves into the noble office of teaching.

"A State society would unite the teachers of our State in a bond of fraternal sympathy; a certificate of membership would hold them to the aid of members in all parts of the State; it would be a passport of employment when he should change his residence; it would entitle him to the substantial benefits of an honorable reception by all teachers; and a small annual membership fee would soon raise a fund for the establishment of a teacher's journal, as the case of the society."

The subject of a State professional society being brought before the Institute, the plan was advocated by Reverend John E. Bent, Mr. Bradley, and others.

A committee was appointed, with Mr. Bradley Chairman, to report, and requested all interested in forming such a society to be present after the final adjournment of the Institute.

A State Educational Society was soon afterwards formed and recommended.

The revised school law having made provision for the compulsory use of some uniform State series of text books, a large share of the time of the Institute was taken up in discussing the subject of school books. The Institute voted to recommend to the State Board of Education the following series, which was afterwards adopted by the State Board with hardly any variation: Willson's Readers, Eaton's and Robinson's Arithmetics, Cornell's and Warren's (Quackenbos') Grammar, and History of the United States.

### STATE TEACHERS' CERTIFICATES.

In the State Institute circular, the subject of teachers' certificates was noticed as follows:

"The State Board of Examiners will hold an examination of teachers who desire to obtain State certificates during the next year. By an amendment to the school law, these certificates are now held for the term of four years—relieving the holders from the annual examination by County Boards. It would be difficult to adduce any reason whatever for the annual examination of teachers, except the desire which some seem to entertain for tormenting unfortunates for district schools. There are many able teachers in the public schools, though he might have added to the finest nat-

for teaching, a complete professional training in the best Normal schools in the United States—though he might have grown gray in the service, might be crowned with the well-earned honors of many successful schools, be revered by thousands of grateful pupils—though he had graduated from a university—yet he could not apply for the smallest district school in the remotest corner of the State without ‘passing an examination;’ and, if he wished to teach another year, he must travel twenty or thirty miles, to satisfy the State that he was ‘*fit to keep a common school!*’ And, further, if he wished to remove to another county, he must be examined by another Board, to ascertain his fitness to teach a *common school!* If examination imparts fitness to teach, some of the teachers in this State ought to be well fitted for their occupation. And then, these annual certificates made no distinction of merit. They reduced all, good, bad, and indifferent, to one dead level of mediocrity—*fitness to teach a common school!*”

In response to this call, nearly one hundred teachers entered the examination for State diplomas and certificates. The examination was conducted in writing, by means of printed questions, and nearly three thousand pages of manuscript were carefully examined and audited by the Board.

State educational diplomas, valid for six years, were granted to the following teachers, pioneers in a noble professional body of earnest and able workers: T. C. Barker, San Francisco; Stephen G. Nye, Centreville; Bernhard Marks, San Francisco; T. W. J. Holbrook, San Francisco; Joseph W. Josselyn, San Leandro; Thomas Ewing, Cacherville; William K. Rowell, Brooklyn; Cyrus C. Cummings, Vacaville; Edward P. Batchelor, San Francisco.

State certificates were issued as follows:

First grade certificates, valid for four years.....	7
Second grade certificates, valid for two years.....	10
Third grade certificates, valid for two years.....	20
Whole number, including diplomas .....	46

Before adjourning, a series of patriotic resolutions was adopted; a resolution asking the Legislature to make another appropriation in aid of State Institute; that bookkeeping and business forms should be taught in all schools; that the State Normal School should be sustained; and that the thanks of the Institute be returned to the California Steam Navigation Company for its liberality in granting free passes to teachers.

The State Superintendent, before adjournment, made the following remarks:

“This Institute has more than met my most sanguine expectations. It was stated to me by many that the programme we marked out was an impracticable one, and that the teachers could not and would not stand it—working nine hours a day; and many, one hundred of them, subject to an examination of written questions involving two hours on each set, and embracing ten sets of questions. But it seems to me that the results of the labors of this Institute show that when the teachers of California meet together in Convention, they meet for solid and substantial work. I believe that the teachers who have assembled at this

Institute will go back to their work and their homes feeling and better for the labor which has been done, and vitalized by of enthusiasm which has been manifested.

“I regret that the pressing nature of the double duties I have to perform, in connection with the Institute and State Board of Examiners, have absolutely prevented me from becoming personally acquainted with many of you. I hope, as my duties shall call me to travel to different portions of the State, that I shall yet have the pleasure of coming acquainted with many of you, in your own schoolhouses, where you are at your daily work. The hour of adjournment having arrived, the President now declares the California State Institute adjourned.”

Aside from the incidental labors and benefits of the Institute, the following results may be summed up as follows:

*First*—A State educational journal;

*Second*—Action recommending a State school tax;

*Third*—A State educational and professional society;

*Fourth*—Adoption of a State series of text books;

*Fifth*—The granting of a large number of State diplomas and certificates;

*Sixth*—The publication of a valuable volume of proceedings.

#### FOURTH STATE INSTITUTE.

The proceedings of the fourth and last State Institute will be reported in the biennial report to which this historical sketch is an appendix.

[ B ]

## HISTORICAL LIST

OF

## County Superintendents of the State,

FROM 1852 TO 1865, INCLUSIVE.

NOTE.—For the years eighteen hundred and fifty-two, eighteen hundred and fifty-three, and eighteen hundred and fifty-four, the County Clerks were generally ex officio County Superintendents.

## ALAMEDA COUNTY.

G. W. Goucher, 1853;	Dr. Henry Gibbons, 1859, 1860;
C. C. Breyfogle, 1854;	Rev. J. D. Strong, 1861, 1862;
Rev. A. H. Myers, 1855, 1856;	Rev. B. N. Seymour, 1863, '64, '65;
Rev. W. W. Brier, 1857, 1858;	Rev. Chas. E. Rich, elect, 1866-'68.

## ALPINE COUNTY.

L. S. Greenlaw, 1864, 1865;	L. S. Greenlaw, elect, 1866-'68.
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## AMADOR COUNTY.

H. A. Eichelberger, 1854, 1855;	J. H. Bradley, 1860;
E. B. McIntire, 1856, 1857;	Samuel Page, 1861, 1862, 1863;
H. H. Rhees, 1858, 1859;	D. Townsend, 1864, 1865;
S. G. Briggs, 1866-'68.	

## BUTTE COUNTY.

M. M. Meader, 1853;	H. A. Gaston, 1858, 18
Miles Chapin, 1854;	J. B. Thomas, 1860, 18
J. J. Kline, 1855, 1856;	S. B. Osbourn, 1862, 18
Rev. B. N. Seymour, 1857;	Isaac Upham, 1864, 18

## CALAVERAS COUNTY.

Frederick Gott, 1853, 1854;	Rev. W. C. Mosher, 18
A. H. Griggs, 1855, 1856;	F. O. Barstow, elect, 1
Rob't Thompson, 1857, 1858, 1859,	
1860, 1861, 1862, 1863;	

## COLUSA COUNTY.

Robert Payne, 1855, 1856;	Charles Street, 1862;
B. M. Hance, 1857, 1858, '59, '60;	John C. Addington, 18
Frank Spalding, 1861;	John C. Addington, ele

## CONTRA COSTA COUNTY.

L. H. Hastings, 1852;	E. H. Cox, 1857, 1858
J. M. Jones, 1853, 1854;	A. F. Dyer, 1859, 1860
F. P. Vandermark, 1855;	D. S. Woodruff, 1861, 1
Thomas Ewing, 1856;	Rev. H. R. Avery, 186
Rev. H. R. Avery, elect, 1866-'68.	

## DEL NORTE COUNTY.

H. W. McMillen, 1858;	Charles Hinckley, 186
R. S. McLellan, 1859, 1860, 1861;	R. J. McLellan, 1864,

## EL DORADO COUNTY.

D. C. McKenny, 1852;	H. L. Pease, 1858;
J. McKnight, 1854;	H. S. Herrick, 1859, 1
H. S. Herrick, 1855, 1856;	M. A. Lynde, 1861, 18
John G. Eustis, 1857;	S. A. Penwell, 1864, 1
C. C. Conklin, elect, 1866-'68.	

## FRESNO COUNTY.

E. S. Kincaid, 1861;	H. M. Quigley, 1862, 1
S. H. Hill, 1864, 1865; elect, 1866-'68.	

## HUMBOLDT COUNTY.

D. D. Williams, 1853, 1854;	E. H. Howard, 1857,
A. J. Heustis, 1855, 1856;	H. H. Seaverns, 1859.
Rev. W. L. Jones, 1861, 1862, 1863, 1864, 1865; elect, 1	

## KLAMATH COUNTY.

R. P. Hirst, 1860, 1861;	R. P. Hirst, 1863;
J. H. Twambly, 1862;	E. Lee, 1864, 1865.

## LAKE COUNTY.

W. R. Matthews, 1861, 1862, 1863, 1864, 1865; | A. P. McCarty, elect, 1866-'68.

## LASSEN COUNTY.

Wm. Young, 1864, 1865; | A. A. Smith, elect, 1866-'68.

## LOS ANGELES.

A. F. Coronel, 1853, 1854; | J. W. Shore, 1859, '60, '61, '62, '63;  
J. F. Burns, 1855, 1856; | L. J. Rose, 1864, 1865;  
Charles Johnson, 1857, 1858; | Rev. E. Birdsall, elect, 1866-'68.

## MARIN COUNTY.

Warren Dutton, 1854, 1855; | John Shore, 1859, 1860;  
James Miller, 1856; | James Miller, 1861, 1862, 1863;  
John Simms, 1857, 1858; | J. W. Zuver, 1864, 1865;  
A. Barney, elect, 1866-'68.

## MARIPOSA COUNTY.

George H. Crenshaw, 1853, 1854; | Jas. R. McCready, 1861, 1862, 1863,  
E. J. Sagendorf, 1855, 1856; | 1864, 1865;  
A. Reynolds, 1857, 1858, 1859, '60; | D. W. Washburn, elect, 1866-'68.

## MENDOCINO COUNTY.

A. L. Brayton, 1859, 1860, 1861; | J. L. Broadbuss, 1864, 1865;  
C. R. Budd, 1862, 1863; | C. C. Cummings, elect, 1866-'68.

## MERCED COUNTY.

James W. Robertson, 1856; | R. B. Huey, 1862, 1863, 1864, 1865;  
B. F. Howell, 1857, 1858; | T. O. Ellis, elect, 1866-'68.  
F. J. Woodward, 1859, 1860, 1861;

## MONO COUNTY.

C. A. Miles, 1862, 1863.

## MONTEREY COUNTY.

Wm. Bowen, 1852; | T. S. Roberts, 1859, 1860;  
J. T. Gardiner, 1853; | G. W. Bird, 1861, 1862, 1863;  
H. Cox, 1854; | W. M. R. Parker, 1864, 1865;  
S. Carroll, 1855, 1856; | Thomas Bralee, elect, 1866-'68.  
J. H. Gleason, 1857, 1858;

## NAPA COUNTY.

J. C. Penwell, 1852; | J. M. Hamilton, 1859, 1860;  
John Cobb, 1854; | Wm. Jacobs, 1861;  
Wm. E. Taylor, 1855, 1856; | Rev. A. Higbie, 1862, '63, '64, '65;  
J. E. Herron, 1857; | Rev. A. Higbie, elect, 1866-'68.  
James Corwin, 1858;

## NEVADA COUNTY.

John Webber, 1853; | C. T. Overton, 1858,  
J. McKay, 1854; | J. A. Chittenden, 1861,  
T. W. Colburn, 1855; | M. S. Deal, 1864, 1865  
W. B. Ewer, 1856, 1857; | M. S. Deal, elect, 1866

## PLACER COUNTY.

Wm. McCarty, 1853, 1854; | S. S. Greenwood, 1859  
H. E. Ford, 1855; | A. H. Goodrich, 1861,  
T. B. Hotchkiss, 1856; | 1864, 1865;  
P. C. Millette, 1857, 1858; | — Case, elect, 1866-'6

## PLUMAS COUNTY.

J. N. Hartzell, 1855, 1856; | J. C. Church, 1858, 18  
M. D. Sawyer, 1857; | H. S. Titus, 1861, '62, '  
G. W. Meybert, elect, 1866-'68.

## SACRAMENTO COUNTY.

H. J. Bidleman, 1853, 1854; | F. W. Hatch, Jr., '59, '6  
F. W. Hatch, Jr., 1855, 1856; | Sparrow Smith, 1864,  
Nelson Slater, 1857, 1858; | F. W. Hatch, elect, 18

## SAN BERNARDINO COUNTY.

V. J. Herring, 1853, 1854; | Ellis Robbins, 1859, 1  
H. A. Skinner, 1855, 1856, 1857; | A. F. McKinney, 1861  
R. R. Pearce, 1858; | William S. Clark, 186  
William L. Ragsdale, elect, 1866-'68.

## SAN DIEGO COUNTY.

Frank Ames, 1856, 1857, 1858; | George Pendleton, 18  
José M. Estudillo, 1859, 1860, '61; | José M. Estudillo, 186

## SAN FRANCISCO COUNTY.

Henry Vanderveer, County Su- | J. C. Pelton, 1855,  
perintendent ex officio, 1852; | County;  
Thomas J. Nevins, City Superin- | E. A. Theller, 1856;  
tendent, 1852, 1853; | H. B. Janes, 1857, 18  
J. W. Stillman, County Superin- | James Denman, 1859,  
tendent ex officio, 1853, '54; | George Tait, 1861, 18  
William H. O'Grady, City Super- | J. C. Pelton, 1865; el  
intendent, 1854, 1855;

## SAN JOAQUIN COUNTY.

S. Hurlburt, 1853, 1854; | L. C. Van Allen, 1858  
W. G. Canders, 1855; | Cyrus Collins, 1861, 1  
G. S. Verrille, 1856; | Melville Cottle, 1864,  
E. W. Hager, 1857; | Melville Cottle, elect,

## SAN LUIS OBISPO COUNTY.

José de Jesus Pico, 1853;	P. A. Forrester, 1858, 1859, 1860;
Juan Willson, 1855;	Alex. Murray, '61, '62, '63, '64, '65;
	P. A. Forrester, elect, 1866-'68.

## SAN MATEO COUNTY.

S. B. Gordon, 1856;	H. S. Loveland, 1861;
James Berry, 1857;	W. C. Crook, '62, '63, '64, '65;
J. V. Diller, 1858, 1859, 1860;	Robert Greer, elect, 1866-'68.

## SANTA BARBARA COUNTY.

Antonio de la Guerra, 1853;	James Ord, 1859, 1860;
G. D. Fisher, 1855;	Pablo de la Guerra, '61, '62, '63;
A. F. Hinchman, 1857, 1858;	A. B. Thompson, 1864, 1865;
	A. B. Thompson, elect, 1866-'68.

## SANTA CLARA COUNTY.

Francisco de la Guerra, 1852;	Matthew Mitchell, '57, '58, '59 '60;
J. H. Morgan, 1853, 1854;	S. S. Wiles, 1861, 1862, 1863;
Freeman Gates, 1855, 1856;	Wesley Tonner, 1864, 1865;
	Wesley Tonner, elect, 1866-'68.

## SANTA CRUZ COUNTY.

N. Gordon, 1854;	D. J. Haslam, '59, '60, '61, '62 '63;
A. R. Hathaway, 1855;	Rev. P. Y. Cool, 1864, 1865;
J. F. Bennett, 1857, 1858;	H. P. Stone, elect, 1866-'68.

## SHASTA COUNTY.

S. E. Jack, 1853;	G. K. Godfrey, 1857, 1858, 1859,
S. Hughes, 1854;	1860, 1861, 1862, 1863;
Y. N. Chappell, 1855;	John Conmy, 1864, 1865;
H. A. Curtiss, 1856;	W. L. Carter, elect, 1866-'68.

## SIERRA COUNTY.

J. D. Scellen, 1853;	J. R. Plunkett, 1859;
F. M. Proctor, 1854;	Z. W. Keyes, 1860;
J. F. Seabury, 1855, 1856, 1857;	Rev. W. C. Pond, '61, '62, '63, '64, '65;
Z. W. Keyes, 1858;	J. M. Haven, elect, 1866-'68.

## SISKIYOU COUNTY.

S. P. Fair, 1853, 1854, 1855;	R. S. McEwan, 1859, 1860;
B. Whitten, 1856;	John Whalley, 1861;
G. F. Price, 1857, 1858;	Thos. N. Stone, 1862, 1863, '64, '65;
	Thomas N. Stone, elect, 1866-'68.

## SOLANO COUNTY.

Singleton Vaughan, 1852;	Rev. S. Woodbridge,
R. F. Box, 1853;	1859, 1860;
S. D. Towne, 1854;	Rev. J. W. Hines, 1861,
B. B. Bouliam, 1855, 1856;	George W. Simonton, 1
H. M. Lillie, 1857;	Geo. W. Simonton, elec

## SONOMA COUNTY.

J. A. Reynolds, 1852;	Frank Shattuck, 1859;
R. F. Box, 1853;	E. D. Harris, 1860;
S. D. Towne, 1854;	Chas. G. Ames, 1861,
B. B. Bouliam, 1855, 1856;	1864, 1865;
W. G. Lee, 1857, 1858;	Charles G. Ames, elect.

## STANISLAUS COUNTY.

E. B. Beard, 1854;	A. B. Anderson, 1861,
W. D. McDaniel, 1856, 1857, 1858;	G. W. Schell, 1864, 186
Thomas Leggett, 1859, 1860;	T. T. Hamlin, elect, 18

## SUTTER COUNTY.

G. W. Parkee, 1854;	C. Wilcoxon, 1858;
D. O. Mahoney, 1855;	A. S. Long, 1859, 1860
C. Wilcoxon, 1856;	C. Wilcoxon, 1861;
James Hart, 1857;	J. E. Stevens, 1862, 18
	N. Furlong, 1864, 1865.

## TEHAMA COUNTY.

C. E. Fisher, 1856;	P. W. Degrupe, 1858;
J. R. Bradway, 1857;	W. L. Bradley, 1859, 1
	W. H. Bahney, 1861, 1862, 1863, 1864, 1865.

## TRINITY COUNTY.

F. Bates, 1853, 1854;	Henry Martin, 1861;
D. W. Porter, 1855, 1856;	F. Walter, 1862, 1863;
M. Ruch, 1857, 1858, 1859, 1860;	D. Gordon, '64, '65; el

## TULARE COUNTY.

J. B. Hatch, 1854;	T. O. Elliss, 1861, 186
F. De Master, 1855, 1856, 1857;	M. S. Merrill, 1864, 1
E. E. Calhoun, 1858;	1866-'68.
O. R. Smith, 1859, 1860;	

## TUOLUMNE COUNTY.

J. P. Clough, 1854;	R. E. Gardiner, 1861;
Robert Porterfield, 1855, 1856;	Charles Pease, 1862, 1
G. S. Evans, 1857, 1858;	John Graham, 1864, 1
B. A. Mardis, 1859, 1860;	J. Spencer, elect, 1866

## YOLO COUNTY.

W. W. Price, 1854;	H. Gaddis, '57 to '65, inclusive;
L. M. Merring, 1855, 1856;	M. A. Woods, elect, 1866-'68.

## YUBA COUNTY.

T. C. Tompkins, 1852;	Rev. E. B. Walsworth, 1857, 1858,
Mix Smith, 1853, 1854;	1859, 1860, 1861;
John Abbott, 1855, 1856;	W. C. Belcher, '62, '63, '64, 65;
	D. C. Stone, elect, 1866-'68.

## HISTORICAL STATISTICAL TABLE

TABLE 5.

Statement by counties of the whole number of children in the State of California enrolled on public school registers, from eighteen hundred and fifty-one to eighteen hundred and sixty-five, inclusive.

TABLE 6.

Statement by counties, showing the average daily attendance in public schools of California, from eighteen hundred and fifty-two to eighteen hundred and sixty-five, inclusive.

TABLE 7.

Statement by counties of the number of public schools in the State of California, from eighteen hundred and fifty-one to eighteen hundred and sixty-five, inclusive.

TABLE 8.

Statement by counties of the annual amount of State School taxes apportioned in the State of California, from the first apportionment, eighteen hundred and fifty-four to eighteen hundred and sixty-five, inclusive.

TABLE 9.

Statement by counties of the annual amount raised by county school taxes in the State of California, from eighteen hundred and fifty-four to eighteen hundred and sixty-five, inclusive.

TABLE 10.

Statement by counties showing the amount of money raised for school purposes in the State of California, by rate bills and school taxes, from eighteen hundred and fifty-two to eighteen hundred and sixty-five, inclusive.

TABLE 11.

Statement by counties showing the annual amount of money for public schoolhouses in the State of California, from eighteen hundred and fifty-two to eighteen hundred and sixty-five, inclusive.

TABLE 12.

Statement by counties showing the annual amount paid for teachers in the State of California, from eighteen hundred and fifty-two to eighteen hundred and sixty-five, inclusive.

TABLE 13.

Statement by counties showing the annual expenditures of California for public school purposes since the organization of public schools, from eighteen hundred and fifty-two to eighteen hundred and sixty-five, inclusive.

[ C ]

## HISTORICAL STATISTICAL TABLES

OF THE

## PUBLIC SCHOOLS OF THE STATE OF CALIFORNIA

FROM THE

Organization of the Public Schools to 1865, inclusive.

TABLE 1.

Financial statement by years showing the total amount of receipts and expenditures of the State of California for public schools, from eighteen hundred and fifty-two to eighteen hundred and sixty-five, inclusive.

TABLE 2.

Statistical summary by years of the public schools of California, from returns of School Census Marshals and teachers, from eighteen hundred and fifty-one to eighteen hundred and sixty-five, inclusive.

TABLE 3.

Financial statement by counties showing the total amount of receipts and expenditures for public schools of the State of California, from eighteen hundred and fifty-two to eighteen hundred and sixty-five, inclusive.

TABLE 4.

Statement by counties of the number of children in the State of California between four and eighteen years, from eighteen hundred and fifty-one to eighteen hundred and sixty-five, inclusive, according to returns of School Census Marshals.

TABLE 1.

STATEMENT by years showing the total amount of receipts and expenditures for Public Schools of the State of California from 1852 to 1865, inclusive.

YEARS.	Total amount of State School Fund apportioned .....	Total amount raised by county and city taxes .....	Total amount raised by rate bills and subscription .....	Total amount paid for teachers' salaries.....	Total amount paid for school houses and sites.....	Total amount expended for school purposes
1852.....			\$2,417	\$20,707	\$9,775	\$33,449
1853.....			10,626	47,894	6,193	65,645
1854.....			42,557	85,860	129,677	275,606
1855.....	\$52,961	\$157,702	39,395	181,906	76,525	334,638
1856.....	63,662	119,128	28,619	200,941	62,484	305,221
1857.....	69,961	121,639	55,035	192,613	59,743	307,832
1858.....	78,057	148,989	85,107	204,545	88,199	339,914
1859.....	53,405	162,870	97,534	256,777	90,266	427,003
1860.....	72,319	205,196	122,858	311,165	110,352	474,263
1861.....	81,118	230,514	114,397	311,501	101,818	470,113
1862.....	81,461	241,861	141,606	330,249	49,274	441,228
1863.....	75,412	294,828	68,209	328,338	93,931	483,407
1864.....	145,537	328,554	84,084	411,101	167,393	655,198
1865.....	132,217	260,842	91,181	526,585	257,804	883,116
Totals .....	\$1,074,928	\$2,762,426	\$983,625	\$3,410,182	\$1,293,434	\$5,496,633

TABLE 2.

STATISTICAL SUMMARY by years of the Public Schools of California, from returns of School Census Marshals and Teachers, from 1851 to 1865, inclusive.

YEARS.	Number children between 4 and 18 y'rs of age, by School Census.....	Number of children enrolled on School Register .....	Average daily attendance .....	Number of Schools...	Number of Teachers..	Number of children born in California..	Number of children under four years of age.....	Number of children under eighteen y'rs of age.....	Number children between 18 and 21 years of age.....	Number white children under twenty-one years of age...	Number of pupils in Private Schools.....
1851.....	5,906	1,846	.....	49	.....	.....	.....	.....	.....	.....	.....
1852.....	17,821	3,314	.....	20	.....	.....	.....	.....	.....	.....	.....
1853.....	19,442	4,193	2,020	111	.....	.....	.....	.....	.....	.....	.....
1854.....	20,075	9,746	4,635	168	214	.....	.....	.....	.....	.....	.....
1855.....	26,077	.....	6,442	227	301	.....	.....	.....	.....	.....	.....
1856.....	30,039	.....	8,495	321	392	.....	.....	.....	.....	.....	.....
1857.....	35,722	17,232	9,717	368	486	.....	.....	.....	.....	.....	.....
1858.....	40,530	19,822	11,183	432	517	33,546	23,558	64,088	.....	.....	.....
1859.....	48,676	23,519	13,364	523	754	41,450	28,300	76,976	.....	.....	.....
1860.....	57,917	26,993	14,754	593	831	51,361	30,932	88,849	3,965	92,814	5,438
1861.....	68,395	31,786	17,804	684	932	59,644	35,334	103,729	3,908	107,637	6,306
1862.....	71,821	36,566	19,262	715	962	70,734	38,127	110,948	3,720	114,668	6,886
1863.....	78,055	36,540	19,992	754	919	74,835	39,081	117,136	4,129	121,265	9,158
.....	.....	17,500	9,704	822	1,070	80,714	41,323	128,154	4,443	132,197	11,359



TABLE 3.

FINANCIAL STATEMENT by counties showing the total amount of receipts and expenditures for Public Schools of the State of California, from 1852 to 1865, inclusive.

COUNTIES.	Total amount of State School Fund apportion'd	Total am't raised by county and city taxes.....	Total am't raised by rate bills and subscriptions.....	Total amount paid for teachers' salaries.....	Total amount paid for schoolhouses and sites.....	Total amount expended for school purposes.....
Alameda.....	\$20,092	\$52,607	\$95,140	\$79,600	\$37,314	\$136,325
Alpine.....	539	594	190	1,198	.....	1,316
Amador.....	27,120	31,547	45,491	80,557	16,414	107,778
Butte.....	20,952	34,664	24,425	56,087	11,873	97,331
Calaveras.....	27,044	21,105	38,306	61,898	21,461	96,041
Colusa.....	5,292	15,723	6,873	16,995	4,172	26,312
Contra Costa.....	22,562	20,094	21,208	53,221	9,335	70,541
Del Norte.....	1,837	3,440	4,955	6,611	2,603	11,854
El Dorado.....	44,477	58,443	70,144	129,138	30,880	184,493
Fresno.....	447	907	80	16,018	.....	1,657
Humboldt.....	9,121	9,035	13,246	24,177	8,564	39,759
Klamath.....	820	781	1,090	2,479	678	3,214
Lake.....	2,051	1,390	3,599	6,112	1,342	7,589
Lassen.....	636	982	1,156	2,647	2,861	5,885
Los Angeles.....	43,248	20,931	14,916	64,216	27,410	98,603
Marin.....	5,038	9,058	2,738	13,595	3,141	17,188
Mariposa.....	10,418	13,425	7,995	24,485	5,479	34,128
Mendocino.....	7,087	4,989	9,582	17,739	5,124	25,256
Merced.....	3,462	10,022	1,076	11,352	1,102	14,320

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Mono.....	1,285	585	.....	616	.....	672
Monterey.....	25,742	24,832	5,246	43,557	6,345	58,022
Napa.....	19,067	16,148	21,588	40,586	15,239	68,918
Nevada.....	33,180	27,870	43,366	74,503	26,924	109,574
Placer.....	22,546	38,117	31,960	70,158	20,782	104,030
Plumas.....	4,706	3,197	4,160	9,940	3,799	15,946
Sacramento.....	68,914	182,755	77,331	256,850	104,919	455,786
San Bernardino.....	18,335	3,835	12,925	29,474	3,311	38,529
San Diego.....	4,293	2,891	142	4,760	807	6,468
San Francisco.....	207,505	1,085,372	.....	990,744	609,288	2,015,583
San Joaquin.....	46,078	85,038	80,701	156,376	64,320	302,566
San Luis Obispo.....	10,854	3,779	1,000	7,124	420	10,584
San Mateo.....	10,224	22,020	8,572	25,931	10,665	41,192
Santa Barbara.....	20,733	7,390	330	14,532	5,375	22,430
Santa Clara.....	66,908	52,213	54,323	150,184	39,067	214,067
Santa Cruz.....	21,614	13,973	14,525	37,201	15,595	57,206
Shasta.....	13,399	16,738	13,800	29,669	4,991	45,870
Sierra.....	10,611	21,884	16,684	37,868	7,932	58,294
Siskiyou.....	9,372	21,548	13,500	33,527	8,601	49,747
Solano.....	29,991	33,310	39,145	74,639	20,531	114,272
Sonoma.....	57,885	36,532	105,029	141,879	44,400	272,440
Stanislaus.....	4,720	6,137	7,965	15,089	3,462	21,659
Sutter.....	10,300	17,593	13,157	31,982	5,057	39,955
Tehama.....	5,605	13,211	4,394	17,926	12,058	34,481
Trinity.....	3,425	14,434	2,986	16,203	2,783	23,155
Tulare.....	8,875	5,769	6,588	18,533	3,459	24,172
Tuolumne.....	27,736	27,292	14,253	45,093	18,195	69,754
Yolo.....	18,140	21,511	36,307	61,430	11,313	80,148
Yuba.....	27,464	46,725	52,706	103,867	35,317	174,225

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TABLE 4.

STATEMENT by counties showing the number of children in the State of California between four and eighteen years of age, according to the returns of School Census Marshals, from 1851 to 1865.

COUNTIES.	1851.	1852.	1853.	1854.	1855.	1856.	1857.	1858.
Alameda.....			63	577	745	846	1,039	1,174
Alpine.....								
Anador.....			339	432	865	868	986	1,100
Butte.....	50	212	212	247	275	469	583	768
Calaveras.....	100	430	634	325	527	667	728	1,101
Colusa.....	75	35			29		237	286
Contra Costa.....	400	563	258	480	487	661	633	839
Del Norte.....								92
El Dorado.....	100	1,000	1,000	1,195	1,400	1,739	1,812	1,736
Fresno.....								
Humboldt.....			54	186	186	227	254	301
Klamath.....	50	8	8	42				
Lake.....								
Lassen.....								
Los Angeles.....	250	1,472	1,472	1,191	1,552	1,584	1,705	1,551
Marin.....	60	187	187	155	270	31	325	49
Mariposa.....	100	328	328	121	224	263	300	350
Mendocino.....	70	24	24					
Merced.....						106	115	115
Mono.....								
Monterey.....	500	728	728	627	903	871	816	990
Napa.....	100	234	234	349	477	635	911	1,007

Nevada.....	250	762	762	555	760	853	1,046	1,369
Placer.....	120	307	307	300	161	508	854	985
Plumas.....					93	99	97	205
Sacramento.....	400	2,151	2,151	1,990	2,137	2,223	2,831	2,898
San Bernardino.....		196	321	402	838	1,042	1,142	686
San Diego.....	126	282	282	99	117	123	138	129
San Francisco.....	1,000	2,282	3,852	4,115	4,949	4,751	5,070	6,375
San Joaquin.....	250	770	770	993	1,109	1,267	1,707	1,865
San Luis Obispo.....	200	259	300	300	332	325		313
San Mateo.....						315	374	431
Santa Barbara.....	400	876	876	347	692	819	977	878
Santa Clara.....	300	1,776	1,776	1,617	1,751	1,678	1,967	2,558
Santa Cruz.....	200	287	287	424	319	618	676	652
Shasta.....	50	252	252	336	317	323	370	448
Sierra.....		75	96	189	241	398	423	344
Siskiyou.....		90	90	93	157	246	385	459
Solano.....	200	673	673	574	641	836	1,114	1,228
Sonoma.....		555	555	1,021	1,253	1,694	2,291	2,951
Stanislaus.....								
Sutter.....	75	62	62	81	74	178	197	200
Tehama.....						236	276	374
Trinity.....	125	46	46	42	80	73	192	238
Tulare.....		36	36	73	82		118	160
Tuolumne.....	150	645	645	489	890	88	161	285
Yolo.....	75	143	143	334	477	1,145	1,259	1,213
Yuba.....	150	271	271	364	408	379	571	790
Totals.....	5,906	18,017	20,094	20,743	26,077	30,039	35,722	40,530

TABLE 4—Continued.

COUNTIES.	1859.	1860.	1861.	1862.	1863.	1864.	1865.
Alameda.....	1,404	1,621	1,825	2,170	2,143	2,533	3,020
Alpine.....						278	324
Anamor.....	1,377	1,591	1,679	1,738	1,875	2,365	2,074
Butte.....	1,238	1,390	1,561	1,690	1,722	1,876	2,117
Calaveras.....	1,285	1,600	1,870	1,990	2,281	2,470	2,623
Colusa.....	330	424	530	491	494	460	559
Contra Costa.....	1,009	1,236	1,318	1,656	1,607	1,726	1,907
Del Norte.....	116	170	189	154	153	163	215
El Dorado.....	2,104	2,449	2,583	3,060	2,879	2,909	3,078
Fresno.....			35	102	32	141	175
Humboldt.....	478	502	628	698	700	761	929
Klamath.....		79	88	70	81	55	57
Lake.....			388	368	325	599	599
Lassen.....						328	330
Los Angeles.....	1,607	2,359	1,887	2,398	2,373	2,304	2,661
Marin.....			607	638	725	771	913
Mariposa.....	460	530	753	879	858	908	920
Mendocino.....	521	611	727	740	848	954	1,272
Merced.....	138	155	221	267	276	256	388
Mono.....				53	109		
Monterey.....	970	1,400	1,547	1,595	1,599	1,588	1,667
Napa.....	1,183	1,394	1,104	1,287	1,250	1,415	1,523
Nevada.....	1,665	2,149	2,209	2,457	2,225	2,769	3,259
Placer.....	1,144	1,440	1,564	1,786	1,940	1,939	2,027
Pleamas.....	214	323	326	459	514	427	545
Sacramento.....	3,208	3,960	4,374	4,415	4,510	4,859	4,930

San Bernardino.....	866	938	1,023	960	1,072	1,085	1,201
San Diego.....	124	320	310	345	848	371	393
San Francisco.....	7,767	9,025	13,316	11,985	16,228	18,748	20,581
San Joaquin.....	1,989	2,184	2,794	3,169	3,156	3,509	3,852
San Luis Obispo.....	475	441	532	735	732	896	555
San Mateo.....	555	624	709	791	835	924	971
Santa Barbara.....	1,041	1,168	1,244	1,277	1,328	1,370	1,448
Santa Clara.....	2,945	3,091	3,498	3,564	4,043	4,370	4,775
Santa Cruz.....	1,099	1,081	1,312	1,475	1,600	1,779	1,819
Shasta.....	538	758	880	992	934	932	938
Sierra.....	459	575	691	760	1,032	1,035	1,174
Siskiyou.....	502	670	656	738	788	884	1,068
Solano.....	1,438	1,795	1,974	2,149	2,263	2,456	2,606
Sonoma.....	3,097	3,298	3,605	3,835	3,847	4,536	5,549
Stanislaus.....	126	316	415	409	496	488	618
Sutter.....	525	639	778	768	804	1,125	1,232
Tehama.....	323	376	503	567	571	630	664
Trinity.....	193	242	314	301	268	367	419
Tulare.....	528	705	800	822	886	924	1,266
Tuolumne.....	1,428	1,549	1,721	1,771	1,842	2,124	2,101
Yolo.....	936	1,104	1,262	1,382	1,521	1,412	1,451
Yuba.....	1,271	1,646	1,925	1,869	1,903	2,012	2,274
Totals.....	48,076	57,917	68,395	71,821	78,055	86,821	93,067

STATEMENT by counties showing the whole number of children in the State of California enrolled on public school registers, from 1851 to 1865, inclusive.

COUNTIES.	*1851.	1852.	1853.	1854.	1855.	1856.	1857.	1858.
Alameda.....			25	214	321	387	397	498
Alpine.....								502
Amador.....				208	318	426	523	401
Butte.....			25	43	74	460	327	321
Calaveras.....			358	100	136	170	283	146
Colusa.....					19		82	358
Contra Costa.....	25	190	146	190	252	341	513	58
Del Norte.....								714
El Dorado.....		171		484	468	558	684	
Fresno.....								115
Humboldt.....			33	73	72	107	148	
Klamath.....				25				
Lake.....								
Lassen.....								
Los Angeles.....			53	206	399	484	480	442
Marin.....	20					31		15
Mariposa.....			62	45	72	104	96	133
Mendocino.....	20							
Merced.....								
Mono.....						33	54	73
Monterey.....	75	140	70	159	231	460	203	258
Napa.....	60	261		107	159	222	458	497

Nevada.....	75		57	205	196	294	157	501
Placer.....	25			117	80	213	362	397
Plumas.....	75				29	23	37	55
Sacramento.....			47	627	782	1,252	1,400	1,543
San Bernardino.....			206	243	651	829	991	315
San Diego.....				30	38	61	49	56
San Francisco.....	817	2,132	2,870	4,199	4,694	3,370	4,637	5,273
San Joaquin.....	100		256	460	691	765	681	1,139
San Luis Obispo.....			30		19			26
San Mateo.....						128	102	146
Santa Barbara.....	50		52				119	100
Santa Clara.....	234	47	260	467	736	697	789	802
Santa Cruz.....	65		68	172	60		199	218
Shasta.....			40	94	135	135	107	220
Sierra.....			36	41	57	160	66	173
Siskiyou.....			27	43	46		172	215
Solano.....	25	311	25	240	218	325	383	451
Sonoma.....	100	62	200	444	801	563	938	1,775
Stanislaus.....					25		55	72
Sutter.....				23	67	96	159	198
Tehama.....						45	71	99
Trinity.....			18	16	12		34	75
Tulare.....	50			34	32	53	56	35
Tuolumne.....			19	141	288	301	496	483
Yolo.....				81	180	56	292	385
Yuba.....	30	52	48	215	336	461	626	539
Totals.....	1,846	3,314	5,033	9,746	12,694	13,610	17,232	19,822

\* Estimated from the best authorities, no official returns having been made. Including both private and public schools.

TABLE 5—Continued.

COUNTIES.	1859.	1860.	1861.	1862.	1863.	1864.	1865.
Alameda.....	616	774	791	896	834	1,143	1,575
Alpine.....	626	734	802	975	995	1,323	94
Amador.....	588	621	823	1,008	1,079	1,323	1,315
Butte.....	479	533	767	1,008	781	1,108	1,429
Calaveras.....	167	190	243	236	202	1,023	1,276
Colusa.....	377	579	635	675	558	257	273
Contra Costa.....	75	87	107	91	75	899	1,050
Del Norte.....	1,053	1,147	1,299	1,547	1,666	1,111	1,65
El Dorado.....	230	328	390	390	407	2,006	2,207
Fresno.....	426	460	690	666	720	53	80
Humboldt.....	197	182	229	289	259	390	569
Klamath.....	154	241	219	370	344	30	25
Lake.....	81	82	357	398	239	302	302
Lassen.....	317	375	408	492	446	136	210
Los Angeles.....	454	580	495	619	463	706	769
Marin.....	600	704	622	824	1,099	382	355
Mariposa.....	616	685	846	989	842	474	429
Mendocino.....	18	38	42	82	121	583	887
Mered.....	1,668	2,025	2,373	2,647	3,073	156	224
Mono.....	317	375	408	492	446	485	598
Monterey.....	454	580	495	619	463	726	909
Napa.....	600	704	622	824	1,099	1,334	1,696
Nevada.....	616	685	846	989	842	1,255	1,271
Placer.....	18	38	42	82	121	150	159
Plumas.....	1,668	2,025	2,373	2,647	3,073	3,450	3,902
Sacramento.....	431	362	402	465	442	415	471

San Bernardino.....	431	362	402	465	442	415	471
San Diego.....	52	63	51	34	30	42	54
San Francisco.....	6,201	6,108	6,674	8,203	8,177	10,981	7,885
San Joaquin.....	1,271	1,327	1,692	2,070	2,010	2,754	2,896
San Luis Obispo.....	37	76	74	75	66	106	170
San Mateo.....	158	193	456	329	373	695	539
Santa Clara.....	117	189	246	187	122	197	312
Santa Cruz.....	842	1,163	1,491	1,527	1,728	2,163	2,447
Shasta.....	220	376	395	597	497	807	887
Sierra.....	220	368	428	502	492	602	653
Siskiyou.....	177	329	393	415	550	630	758
Solano.....	241	325	354	384	383	484	723
Sonoma.....	684	699	830	999	1,082	1,384	1,498
Stanislaus.....	1,611	1,777	2,068	2,170	1,968	2,568	3,454
Sutter.....	56	156	158	171	166	216	368
Tehama.....	213	285	435	365	333	731	721
Trinity.....	86	180	232	311	262	357	459
Tulare.....	51	106	206	190	196	255	301
Tuolumne.....	178	318	250	321	438	510	486
Yolo.....	646	589	867	1,010	735	916	1,148
Yuba.....	577	580	701	908	938	1,134	900
Totals.....	23,519	26,993	31,786	36,566	36,540	47,588	50,089

TABLE 6.

STATEMENT by counties showing the average daily attendance on the Public Schools of California, from 1862 to 1865, inclusive.

COUNTIES.	1862.	1863.	1864.	1865.
Alameda.....	.....	.....	473	756
Alpine.....	.....	.....	32	69
Amador.....	.....	.....	648	738
Butte.....	13	52	619	839
Calaveras.....	237	68	265	694
Colusa.....	.....	18	161	151
Contra Costa.....	47	112	313	520
Del Norte.....	.....	.....	140	110
El Dorado.....	307	246	1,052	1,152
Fresno.....	.....	.....	903	44
Humboldt.....	25	57	278	341
Klamath.....	20	.....	12	17
Lake.....	.....	.....	106	196
Lassen.....	.....	.....	73	107
Los Angeles.....	40	126	323	338
Marin.....	.....	.....	244	306
Mariposa.....	40	36	253	272
Mendocino.....	.....	.....	317	495
Merced.....	.....	.....	93	104
Mono.....	.....	.....	.....	.....
Monterey.....	25	61	281	314
Napa.....	.....	71	397	499
Nevada.....	.....	157	742	828
Pacer.....	.....	62	965	718
Plumas.....	.....	.....	72	87
Sacramento.....	135	377	1,498	1,990
San Bernardino.....	120	160	241	195
San Diego.....	.....	25	28	33
San Francisco.....	445	1,272	3,777	6,718
San Joaquin.....	.....	312	1,029	1,624

San Luis Obispo.....	.....	.....	49	72
San Mateo.....	.....	.....	268	213
Santa Barbara.....	45	.....	38	136
Santa Clara.....	146	.....	1,174	1,309
Santa Cruz.....	50	.....	450	519
Shasta.....	23	60	354	436
Sierra.....	20	34	406	398
Siskiyou.....	15	22	301	280
Solano.....	45	120	710	833
Sonoma.....	125	250	1,553	2,030
Stanislaus.....	.....	.....	1,027	1,196
Sutter.....	.....	.....	106	196
Tehama.....	.....	.....	394	412
Trinity.....	8	26	181	237
Tulare.....	.....	125	168	203
Tuolumne.....	.....	53	150	164
Yuba.....	62	40	554	555
Totals.....	730	2,512	24,794	29,592

TABLE 7.

STATEMENT by counties showing the number of Schools in the State of California, from 1851 to 1865, inclusive.

COUNTIES.	1851.	1852.	1853.	1854.	1855.	1856.	1857.	1858.	1859.	1860.	1861.	1862.	1863.	1864.	1865.
Alameda.....			4	6	7	14	16	16	18	19	21	22	23	24	29
Alpine.....															4
Amador.....															29
Butte.....															41
Calaveras.....															22
Colusa.....															13
Contra Costa.....															28
Del Norte.....															5
El Dorado.....															43
Fresno.....															3
Humboldt.....															12
Klamath.....															1
Lake.....															7
Lassen.....															4
Los Angeles.....															15
Marin.....															13
Mariposa.....															8
Mendocino.....															19
Merced.....															5
Mono.....															10
Monterey.....															19
Napa.....															28
Nevada.....															32
Placer.....															6
Plumas.....															60
Sacramento.....															9
San Bernardino.....															1
San Diego.....															1
San Francisco.....															34
San Joaquin.....															61
San Luis Obispo.....															3
San Mateo.....															11
Santa Barbara.....															4
Santa Clara.....															40
Santa Cruz.....															18
Shasta.....															22
Siskiyou.....															19
Solano.....															25
Sonoma.....															73
Stanislaus.....															11
Sutter.....															26
Tehama.....															10
Trinity.....															11
Tulare.....															6
Tuolumne.....															12
Yolo.....															28
Yuba.....															30
Totals.....	49	20	111	168	227	321	368	432	523	593	684	715	754	832	947

TABLE 8.

STATEMENT by counties showing the annual amount of State School Fund apportioned in the State of California, from the first apportionment in 1854, to 1865, inclusive.

COUNTIES.	1854.	1855.	1856.	1857.	1858.	1859.	1860.
Alameda.....	.....	\$1,753	\$1,859	\$2,277	\$1,594	\$2,136	\$2,358
Alpine.....	.....	.....	.....	.....	.....	.....	.....
Amador.....	.....	1,391	2,387	2,333	1,567	2,002	2,313
Butte.....	\$306	717	759	1,260	927	1,272	2,059
Calaveras.....	1,165	1,046	1,454	1,201	963	2,003	2,158
Colusa.....	.....	.....	79	.....	376	540	554
Contra Costa.....	1,438	1,546	1,191	1,777	968	1,526	1,695
Del Norte.....	.....	.....	.....	68	124	129	194
El Dorado.....	.....	3,850	3,347	4,677	2,881	3,159	3,543
Fresno.....	.....	.....	.....	.....	.....	.....	.....
Humboldt.....	301	598	410	610	327	547	802
Klamath.....	172	49	.....	.....	.....	.....	.....
Lake.....	.....	.....	.....	.....	.....	.....	.....
Lassen.....	.....	.....	.....	.....	.....	.....	.....
Los Angeles.....	4,019	3,837	4,200	4,260	2,710	2,822	2,699
Marin.....	.....	182	.....	83	.....	89	.....
Mariposa.....	222	389	645	706	477	637	772
Mendocino.....	.....	.....	.....	.....	.....	.....	798
Merced.....	.....	.....	.....	.....	.....	.....	231
Mono.....	.....	.....	1,191	884	182	209	.....
Monterey.....	2,826	2,020	1,549	2,073	1,224	1,801	1,629
Napa.....	.....	1,123	1,481	1,707	1,448	1,617	1,819

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Nevada.....	1,075	1,659	2,097	1,728	1,671	2,491	2,796
Placer.....	529	883	827	1,098	1,357	1,792	1,680
Plumas.....	.....	51	207	265	154	313	230
Sacramento.....	741	6,157	4,940	5,978	3,975	5,134	5,308
San Bernardino.....	1,093	1,295	1,109	2,802	1,575	1,248	1,454
San Diego.....	.....	318	182	329	219	234	208
San Francisco.....	18,125	12,913	12,996	12,780	8,061	11,602	13,048
San Joaquin.....	3,183	3,200	3,060	3,407	2,113	3,192	3,341
San Luis Obispo.....	1,672	377	915	874	.....	569	798
San Mateo.....	.....	.....	638	846	594	784	932
Santa Barbara.....	1,934	409	1,079	2,202	1,429	1,381	1,748
Santa Clara.....	7,235	5,210	5,276	4,513	3,127	4,655	4,947
Santa Cruz.....	1,354	1,366	999	1,661	1,074	1,186	1,846
Shasta.....	1,081	1,082	1,040	776	448	815	860
Sierra.....	245	404	338	949	383	626	771
Siskiyou.....	390	298	432	.....	473	753	843
Solano.....	1,739	1,849	1,768	2,218	1,613	2,234	2,415
Sonoma.....	551	3,290	3,424	4,556	3,553	5,370	5,371
Stanislaus.....	.....	95	203	478	146	252	211
Sutter.....	.....	159	510	634	438	680	882
Tehama.....	.....	.....	.....	195	208	369	425
Trinity.....	195	134	.....	.....	187	291	324
Tulare.....	.....	235	225	236	255	267	887
Tuolumne.....	.....	1,271	2,232	2,662	2,001	2,207	2,399
Yolo.....	.....	969	1,205	1,019	907	1,437	1,592
Yuba.....	1,349	1,172	1,586	2,297	1,656	1,887	2,135
Totals.....	\$52,951	\$63,662	\$69,961	\$78,057	\$53,405	\$72,319	\$81,118

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TABLE 8—Continued.

COUNTIES.	1861.	1862.	1863.	1864.	1865.	Totals.
Alameda .....	\$2,285	\$2,025	\$4,223	\$3,658	\$4,914	\$29,092
Alpine.....	2,243	1,863	3,513	3,225	539	539
Amador .....	2,016	1,684	3,376	2,937	4,283	27,120
Calaveras.....	2,256	2,075	4,009	3,923	3,630	20,952
Colusa.....	597	588	924	768	4,791	27,044
Contra Costa .....	1,742	1,462	3,181	2,764	836	5,262
Del Norte.....	239	209	321	237	3,272	22,562
El Dorado.....	3,467	2,867	6,092	4,951	316	1,837
Fresno.....	38	38	81	55	5,643	44,477
Humboldt.....	750	697	1,399	1,204	273	417
Klamath.....	111	97	146	139	1,476	9,121
Lake.....	.....	316	726	447	106	820
Lassen.....	.....	.....	.....	.....	1,162	2,651
Los Angeles .....	3,317	2,094	4,740	4,081	636	636
Marin .....	.....	673	1,243	1,290	4,469	43,248
Mariposa.....	747	935	1,752	1,475	1,478	5,038
Mendocino.....	799	806	1,479	1,355	1,761	10,418
Merced .....	211	245	530	474	1,850	7,087
Mono.....	.....	.....	94	.....	496	3,462
Monterey.....	1,974	1,655	3,211	2,700	.....	1,285
Napa.....	1,897	1,225	2,566	2,039	3,080	25,742
Nevada .....	3,030	2,451	4,925	3,886	2,745	19,607
Placer .....	2,030	1,736	3,570	3,283	5,371	33,180
Plumas.....	455	361	898	884	3,761	22,546
Sacramento .....	5,583	4,855	8,920	7,757	828	4,706
					9,566	68,914

San Bernardino.....	1,322	1,046	1,944	1,843	2,104	18,835
San Diego.....	451	344	691	598	719	4,293
San Francisco.....	12,725	14,780	26,192	27,912	36,371	207,505
San Joaquin.....	3,079	3,029	6,280	5,387	6,807	46,078
San Luis Obispo.....	621	590	1,441	1,259	1,738	10,854
San Mateo.....	879	786	1,585	1,388	1,792	10,224
†Santa Barbara.....	1,646	1,380	2,584	1,412	3,529	20,733
Santa Clara.....	5,358	3,882	7,275	6,953	8,477	66,908
Santa Cruz .....	1,523	1,456	2,946	2,752	3,451	21,614
Shasta.....	1,086	976	1,925	1,578	1,732	13,399
Sierra .....	810	767	1,525	1,786	2,007	10,611
Siskiyou.....	909	728	1,477	1,355	1,714	9,372
Solano.....	1,530	2,089	4,011	3,731	4,764	29,991
Sonoma.....	4,650	3,982	7,723	6,616	8,799	57,885
Stanislaus.....	245	460	831	853	946	4,720
Sutter .....	900	863	1,561	1,401	2,182	10,300
Tehama.....	530	624	1,110	982	1,222	5,675
Trinity .....	341	348	614	280	711	3,425
Tulare .....	909	954	1,678	1,437	1,792	8,875
Tuolumne.....	2,184	1,910	3,582	3,168	4,120	27,736
Yolo .....	1,491	1,400	2,775	2,614	2,731	18,140
Yuba.....	2,320	2,136	3,808	3,273	3,845	27,464
Totals .....	\$81,461	\$75,412	\$145,537	\$132,217	\$168,828	\$1,074,928

TABLE 9.

STATEMENT by counties showing the annual amount of money raised by county and city school taxes in the State of California, from 1854 to 1865, inclusive.

COUNTIES.	1851.	1852.	1853.	1854.	1855.	1856.	1857.	1858.
Alameda.....					\$163	\$1,335		\$2,321
Alpine.....								
Amador.....				\$500	612	471	\$2,258	4,592
Butte.....				39	370			4,417
Calaveras.....							2,505	1,884
Colusa.....								2,226
Contra Costa.....				228	508			1,829
Del Norte.....								
El Dorado.....				1,256	495	580		6,450
Fresno.....								
Humboldt.....				331	220	205		540
Klamath.....								
Lake.....								
Lassen.....								
Los Angeles.....				1,134	669			637
Marin.....								
Mariposa.....				1,107		518	1,018	509
Mendocino.....								
Merced.....						594	380	837
Mono.....								
Monterey.....				589	683	2,000		1,066
Napa.....					710	1,400	1,139	603

Novada.....								
Placer.....				442	557	1,055	1,821	1,854
Plumas.....							571	387
Sacramento.....				2,763	2,466	9,657	11,193	15,593
San Bernardino.....				106	84	115	380	84
San Diego.....							336	253
San Francisco.....				140,636	93,000	88,019	106,814	88,429
San Joaquin.....				2,899	2,430	3,389	4,102	1,137
San Luis Obispo.....					122	230		206
San Mateo.....						380	1,385	1,497
Santa Barbara.....				296		410	768	500
Santa Clara.....				2,081	2,175	1,959		3,572
Santa Cruz.....				187	495	369	1,034	752
Shasta.....					635	1,295	1,985	1,735
Sierra.....				318	1,208			
Siskiyou.....				57	625		1,406	2,128
Solano.....				1,143		1,866	2,637	1,849
Sonoma.....				1,384	357			4,176
Stanislaus.....					159	349	363	329
Sutter.....						1,331	913	1,085
Tehama.....								1,111
Trinity.....				206				1,324
Tulare.....						56	428	208
Tuolumne.....						2,762	3,292	4,233
Yolo.....							522	1,757
Yuba.....					10,345	1,294	1,709	760
Totals.....				\$157,702	\$119,128	\$121,639	\$148,989	\$162,870

TABLE 9—Continued.

COUNTIES.	1859.	1860.	1861.	1862.	1863.	1864.	1865.	Totals.
Alameda .....	\$4,866	\$5,591	\$5,417	\$8,168	\$8,185	\$7,853	\$8,708	\$52,607
Alpine .....	.....	.....	.....	.....	.....	.....	594	594
Amador .....	2,538	2,550	3,179	2,588	4,570	4,213	3,476	31,547
Butte .....	3,975	3,422	3,858	3,710	3,665	6,087	5,121	34,664
Calaveras .....	1,889	2,107	3,169	3,169	2,531	2,365	2,531	21,105
Colusa .....	1,767	2,635	2,364	1,610	2,375	1,574	1,172	15,723
Contra Costa .....	2,122	2,279	2,017	1,574	3,165	2,919	3,393	20,094
Del Norte .....	520	570	607	404	247	313	779	3,440
El Dorado .....	4,047	4,043	4,555	9,496	10,396	7,962	9,163	58,443
Fresno .....	.....	.....	.....	561	103	.....	243	907
Humboldt .....	.....	862	1,084	924	1,087	1,435	2,397	9,035
Klamath .....	.....	.....	120	.....	230	230	201	781
Lake .....	.....	.....	314	59	189	414	414	1,390
Lassen .....	.....	.....	.....	.....	.....	170	812	982
Los Angeles .....	2,002	1,326	1,349	1,434	4,084	5,739	2,557	20,931
Marin .....	.....	.....	.....	1,628	2,900	2,572	1,958	9,058
Mariposa .....	430	714	989	2,461	2,134	1,744	1,801	13,425
Mendocino .....	.....	1,047	351	432	842	1,087	1,230	4,989
Merced .....	703	660	1,022	1,573	905	1,613	1,735	10,022
Mono .....	.....	.....	.....	236	349	.....	.....	585
Monterey .....	1,077	851	5,128	3,124	3,403	3,524	3,387	24,832
Napa .....	.....	1,675	1,570	1,778	1,404	2,687	3,182	16,148
Nevada .....	686	881	1,809	3,454	5,576	5,576	9,888	27,870
Placer .....	2,087	2,270	2,911	5,339	7,903	6,549	5,329	38,117
Plumas .....	.....	100	96	213	341	603	886	3,197
Sacramento .....	22,780	24,093	20,356	19,751	12,949	16,123	25,051	182,755

San Bernardino .....	334	348	321	399	454	565	645	3,835
San Diego .....	178	335	150	315	330	329	665	2,891
San Francisco .....	112,259	129,222	127,107	167,177	193,233	115,987	223,489	1,685,372
San Joaquin .....	12,950	8,370	8,858	9,017	10,161	12,976	9,649	85,038
San Luis Obispo .....	402	538	340	454	133	508	846	3,779
San Mateo .....	1,490	1,534	1,385	2,767	4,087	3,161	4,334	22,020
Santa Barbara .....	1,204	700	840	758	721	663	530	7,390
Santa Clara .....	4,025	4,177	4,655	5,427	6,113	5,729	12,300	52,213
Santa Cruz .....	.....	1,108	717	1,876	2,631	2,443	2,361	13,973
Shasta .....	1,798	1,363	1,925	1,061	1,494	1,471	1,976	16,738
Sierra .....	1,824	1,486	2,587	3,671	2,034	4,222	4,534	21,884
Siskiyou .....	3,301	2,192	2,112	2,647	1,564	2,779	2,737	21,548
Solano .....	3,582	2,879	3,098	3,362	4,656	4,841	3,397	33,310
Sonoma .....	.....	4,779	3,715	4,798	3,914	3,385	10,024	36,532
Stanislaus .....	361	300	625	663	1,722	880	386	6,137
Sutter .....	2,936	2,555	2,692	865	1,404	1,605	2,467	17,593
Tehama .....	842	1,202	1,901	2,065	1,389	3,141	2,460	13,211
Trinity .....	950	1,337	2,684	3,006	1,915	1,713	1,299	14,434
Tulare .....	.....	957	.....	1,476	738	1,203	693	5,759
Tuolumne .....	.....	2,811	5,221	2,384	2,412	2,405	1,772	27,992
Yolo .....	1,966	1,975	2,622	1,939	3,888	3,700	3,112	21,511
Yuba .....	3,305	2,870	7,986	5,072	4,078	4,684	4,622	46,725
Totals .....	\$205,196	\$230,514	\$241,861	\$294,828	\$328,554	\$260,842	\$390,306	\$2,762,426

TABLE 10.

STATEMENT by counties showing the amount of moneys raised for Public School purposes, by rate bills and subscriptions, in the State of California, from 1852 to 1865, inclusive.

COUNTIES.	1852.	1853.	1854.	1855.	1856.	1857.	1858.	1859.
Alameda.....			\$4,100	\$726		\$2,307	\$3,484	\$3,700
Alpine.....								
Amador.....			1,071	3,803	\$2,125	2,970	3,202	3,063
Butte.....			575	560	1,800	993	2,141	3,380
Calaveras.....		\$59	950	1,357	725	1,620	2,685	3,245
Colusa.....				250		909	552	468
Contra Costa.....		850	1,537	1,821	1,045	1,836	1,878	677
Del Norte.....							1,200	208
El Dorado.....	\$600		2,283	3,391	4,720	2,733	5,615	7,294
Fresno.....								
Humboldt.....								
Klamath.....		120	1,069	671	770	310	1,320	1,621
Lake.....								
Lassen.....								
Los Angeles.....		150	1,207	766	300	487	365	599
Marin.....							64	
Mariposa.....		175	640	150	650	448	729	290
Mendocino.....								470
Merced.....								30
Mono.....					168	133		
Monterey.....	200	685	432	150	194		111	732
Napa.....			214	736	500	612	3,285	2,591

Nevada.....								
Placer.....		700	710	1,620	1,272	1,823	2,396	2,995
Plumas.....			731	406		2,887	2,802	2,911
Sacramento.....				248			762	75
San Bernardino.....	982		2,805	721		3,146	3,875	15,172
San Diego.....			827	1,145	1,300	1,634	342	1,436
San Francisco.....			120					
San Joaquin.....								
San Luis Obispo.....			7,006	7,478	7,000		11,007	7,338
San Mateo.....		700		225		363	999	159
Santa Barbara.....								
Santa Clara.....	185		3,848	1,345				
Santa Cruz.....			850	450		3,220	5,156	3,083
Shasta.....			645	235	650	483	2,147	889
Sierra.....			1,000			1,347	692	1,921
Siskiyou.....			498	272		348	1,040	1,625
Solano.....			1,469	1,762		1,434	1,536	674
Sonoma.....			3,235	4,224	4,400	2,317	3,448	3,411
Stanislaus.....						9,634	11,887	10,577
Sutter.....			375	1,150		627	565	
Tehama.....					1,600	1,346	972	437
Trinity.....			200	463		613	390	9
Tulare.....		347	390			181	209	225
Tuolumne.....							500	634
Yolo.....				1,471		1,694	1,276	1,280
Yuba.....	450		732	699		2,003	2,474	3,196
		1,200	2,832	1,100		4,557	4,001	11,006
Totals.....	\$2,417	\$10,626	\$42,557	\$39,395	\$28,619	\$55,035	\$85,107	\$97,534

TABLE 10—Continued.

COUNTIES.	1860.	1861.	1862.	1863.	1864.	1865.	Totals.
Alameda.....	\$4,093	\$2,400	\$5,419	\$1,325	\$3,413	\$4,173	\$35,140
Alpine.....						190	190
Amador.....	5,315	5,039	5,186	4,133	4,938	4,646	45,491
Butte.....	2,303	2,713	2,836	2,349	1,683	3,002	24,425
Calaveras.....	4,614	8,156	4,708	2,856	4,684	2,647	38,806
Colusa.....	854	1,696	531	341	272		5,873
Contra Costa.....	1,090	3,181	3,026	873	1,544	1,850	21,208
Del Norte.....	382	491	639	823	383	829	4,955
El Dorado.....	7,647	7,605	12,175	4,724	6,515	4,842	70,144
Fresno.....		80					80
Humboldt.....	2,449	924	1,330	457	997	1,328	13,246
Klamath.....	150	87	176	200		357	1,090
Lake.....		552	1,512	217	659	659	3,599
Lassen.....					625	531	1,156
Los Angeles.....	3,507	3,687	3,793			55	14,916
Marin.....		1,167	503	555	169	280	2,738
Mariposa.....	1,253	645	1,536	470	599	404	7,995
Mendocino.....	887	101	2,904	355	1,833	3,032	9,582
Merced.....	61		35	143		506	1,076
Mono.....							
Monterey.....	1,222	465	771	127	77	80	5,246
Napa.....	2,454	2,211	2,598	1,549	1,807	3,031	21,588
Nevada.....	2,902	4,335	7,163	5,634	5,634	6,122	43,366
Placer.....	4,508	3,420	3,376	2,012	4,846	4,061	31,900
Plumas.....	300	93	540	755	805	582	4,160
Sacramento.....	15,042	15,663	12,877	6,256		1,564	77,331

San Bernardino.....	653	662	1,192	193	745	914	12,925
San Diego.....	22						142
San Francisco.....							
San Joaquin.....	7,789	9,164	11,415	3,427	4,530	4,547	80,701
San Luis Obispo.....	75						1,000
San Mateo.....	911	980	1,219	967	2,769	205	8,572
*Santa Barbara.....	326		4				330
Santa Clara.....	5,430	5,750	8,707	5,812	7,007	3,780	54,323
Santa Cruz.....	1,857	1,876	1,805	643	1,115	1,110	14,525
Shasta.....	2,262	1,183	1,983	698	1,074	989	13,800
Sierra.....	161	1,638	2,063	2,137	2,621	3,502	16,684
Siskiyou.....	2,027	1,265	440	944	1,156	2,854	13,500
Solano.....	4,441	5,165	5,186	2,427	4,473	3,866	39,145
Sonoma.....	11,586	9,917	11,871	5,512	9,629	12,557	105,029
Stanislaus.....	428	708	1,536	1,419	539	2,143	7,965
Sutter.....	1,074	2,085	815	1,189	27	2,087	13,157
Tehama.....	1,080	410	470	820	563	39	4,394
Trinity.....	418	35	800		108		2,986
Tulare.....	1,291	200	768	513	460	1,832	6,588
Tuolumne.....	2,047	1,278	3,805	65	881	456	14,253
Yolo.....	5,616	5,148	5,851	3,037	3,819	3,072	36,307
Yuba.....	12,166	2,202	8,020	1,557	1,071	2,444	52,706
Totals.....	\$122,858	\$114,397	\$141,606	\$68,209	\$84,084	\$91,181	\$983,625

TABLE 11.

STATEMENT by counties showing the annual amount of money expended for Public Schoolhouses in the State of California, from 1852 to 1865, inclusive.

COUNTIES.	1852.	1853.	1854.	1855.	1856.	1857.	1858.	1859.
Alameda .....			\$425	\$1,293	\$2,512	\$1,102	\$2,206	\$1,578
Alpine .....								
Amador .....			513	968	1,671	2,319	2,112	717
Butte .....			20	75	750	2,265	325	2,313
Calaveras .....		\$768	571	1,470	725	488	1,271	2,814
Colusa .....						745	436	722
Contra Costa .....			166	629	459	192	275	1,065
Del Norte .....								260
El Dorado .....			2,889	781	1,592	2,215	1,327	2,533
Fresno .....								
Humboldt .....			3,032	148	241	1,181	200	518
Klamath .....								
Lake .....								
Lassen .....								
Los Angeles .....			2,969	8,230	4,600	27	2,844	1,512
Marin .....								
Mariposa .....		50	300	540	158	15	69	566
Mendocino .....								263
Merced .....							19	127
Mono .....								
Monterey .....		75	666	770	362	109	67	492
Napa .....			14	708	600	1,090	1,170	1,323

Nevada .....			1,521	932	1,887	3,016	1,055	550
Placer .....			80	300	275	1,535	4,770	2,452
Plumas .....					81	47	176	
Sacramento .....		1,000	6,466	10,055		9,137	16,671	9,580
San Bernardino .....		300	350	58		133	790	602
San Diego .....			42			100	144	
San Francisco .....			91,360	38,847	25,000	15,504	14,691	21,470
San Joaquin .....	\$8,407		5,427	4,877	3,071	224	3,940	11,080
San Luis Obispo .....							90	110
San Mateo .....						186	55	87
Santa Barbara .....			106	319		1,261	88	618
Santa Clara .....	75	3,000	1,614	329	1,100	978	5,423	1,997
Santa Cruz .....		300	279	138		2,326	760	195
Shasta .....			4			1,043	1,079	515
Sierra .....			241	30	300		715	472
Siskiyou .....			197	150		2,030	932	2,851
Solano .....	600		1,984	469	1,600	466	2,900	1,794
Sonoma .....	650		1,563	3,656		1,576	3,038	9,791
Stanislaus .....						94	25	
Sutter .....			143	50		937	112	638
Tehama .....					500	1,206	338	120
Trinity .....					2,000		210	450
Tulare .....						966	1,000	
Tuolumne .....			70	253	1,000	843	8,079	2,208
Yolo .....			495	60		1,585	795	2,877
Yuba .....	43		6,150	450	2,000	2,797	12,921	2,971
Totals .....	\$9,775	\$6,193	\$129,677	\$76,525	\$52,484	\$50,743	\$88,199	\$90,266

TABLE 11—Continued.

COUNTIES.	1860.	1861.	1862.	1863.	1864.	1865.	Totals.
Alameda.....	\$1,047	\$622	\$3,184	\$2,081	\$14,623	\$6,041	\$37,314
Alpine.....	900	1,527	476	1,698	1,605	1,848	16,414
Amador.....	794	533	1,382	436	570	2,410	11,873
Butte.....	839	4,692	1,412	1,346	682	4,353	21,461
Calaveras.....	569	1,108	75	298	70	149	4,172
Colusa.....	231	1,159	707	411	3,105	936	9,335
Contra Costa.....	50	.....	703	262	841	487	2,603
Del Norte.....	1,452	3,092	4,170	3,323	4,682	2,823	30,880
El Dorado.....	.....	.....	.....	.....	.....	.....	.....
Fresno.....	2,267	.....	83	121	152	621	8,564
Humboldt.....	550	.....	.....	24	.....	104	678
Klamath.....	.....	800	502	24	8	.....	1,342
Lake.....	.....	.....	.....	.....	.....	.....	.....
Lassen.....	1,733	1,326	1,030	606	1,336	1,525	2,861
Los Angeles.....	.....	502	278	1,206	2,110	423	27,410
Marin.....	74	122	881	515	1,155	.....	3,141
Mariposa.....	912	695	1,260	78	503	1,086	5,479
Mendocino.....	24	132	19	.....	828	1,088	5,124
Merced.....	.....	.....	.....	.....	663	118	1,102
Mono.....	.....	.....	.....	.....	.....	.....	.....
Monterey.....	904	510	770	575	322	723	6,345
Napa.....	1,036	421	736	209	860	7,031	15,239
Novada.....	931	1,475	2,464	4,259	4,259	4,175	26,924
Placer.....	1,352	1,852	898	1,597	4,579	1,092	20,782
Plumas.....	100	2	.....	350	1,043	2,000	3,799
Sacramento.....	5,861	2,775	4,517	11,387	6,314	21,155	104,910

San Bernardino.....	115	85	238	265	186	189	3,311
San Diego.....	56,099	50,039	12,811	45,484	83,510	521	807
San Francisco.....	1,810	5,598	2,421	3,098	2,118	144,066	609,288
San Joaquin.....	.....	145	.....	5	40	20,336	64,320
San Luis Obispo.....	259	1,599	538	1,007	4,238	30	420
San Mateo.....	72	2,261	145	.....	490	15	5,375
Santa Barbara.....	3,058	1,271	695	3,978	7,901	7,948	39,067
Santa Clara.....	2,210	1,045	299	301	5,721	2,021	15,595
Santa Cruz.....	294	703	247	120	918	68	4,991
Shasta.....	73	1,178	947	1,502	1,236	1,268	7,932
Sierra.....	398	331	65	571	472	604	8,601
Siskiyou.....	1,487	789	1,070	1,432	2,337	3,663	20,531
Solano.....	7,921	3,547	1,676	1,357	2,811	6,814	44,400
Sonoma.....	571	.....	115	1,439	40	1,178	3,462
Stanislaus.....	528	1,026	36	368	107	622	5,057
Sutter.....	5,262	510	32	588	967	1,235	12,058
Tehama.....	608	850	101	.....	372	192	2,783
Trinity.....	160	.....	93	108	341	791	3,459
Tulare.....	4,911	3,052	906	91	1,386	391	18,195
Tuolumne.....	865	1,111	1,000	1,089	1,204	732	11,813
Yolo.....	1,899	3,406	279	516	993	922	35,317
Yuba.....	.....	.....	.....	.....	.....	.....	.....
Totals.....	\$110,352	\$101,818	\$49,274	\$93,931	\$167,393	\$257,804	\$1,293,434

TABLE 12.

STATEMENT by counties showing the annual amount of money paid for salaries of Public School Teachers in the State of California, from 1852 to 1865, inclusive.

COUNTIES.	1852.	1853.	1854.	1855.	1856.	1857.	1858.	1859.
Alameda.....				\$1,029	\$4,937	\$5,556	\$7,874	\$6,419
Alpine.....								
Amador.....				4,864	4,522	6,508	7,254	3,881
Butte.....			\$75	1,025	1,600	3,260	4,057	6,240
Calaveras.....		\$1,500	830	1,739	700	2,966	4,252	6,621
Colusa.....				250		1,300	929	1,950
Contra Costa.....		1,200	2,930	3,092	3,686	3,143	2,331	3,677
Del Norte.....								692
El Dorado.....	\$900		310	6,578	8,064	6,245	6,322	7,392
Fresno.....								
Humboldt.....		300	900	1,348	1,506	899	432	1,061
Klamath.....								
Lake.....								
Lassen.....								
Los Angeles.....		600	5,001	2,042	6,200	5,441	3,207	3,360
Marin.....					600		289	
Mariposa.....		1,000	681	533	1,367	1,631	816	1,066
Mendocino.....								500
Merced.....								876
Mono.....					300	923	874	
Monterey.....	200	704	2,272	2,459	2,185	3,555	2,018	3,068
Napa.....			350	1,020	2,300	2,063	1,408	4,881

Nevada.....				2,410	2,344	2,321	3,945	3,840
Placer.....			1,795	1,332	1,100	4,801	3,682	3,724
Plumas.....	300			300	300	620	432	732
Sacramento.....			6,191	16,040	20,000	25,220	24,521	31,124
San Bernardino.....	1,438		1,654	2,290	3,000	3,301	1,655	3,285
San Diego.....				200	325	480	540	434
San Francisco.....	18,025	27,000	36,014	87,619	88,000	55,183	62,252	80,283
San Joaquin.....		2,550	7,850	8,870	9,782	6,322	1,738	14,514
San Luis Obispo.....		700		225			400	550
San Mateo.....					1,000	1,121	1,879	1,878
Santa Barbara.....		475		1,760		900	225	1,324
Santa Clara.....		3,000	2,748	8,793	6,500	9,711	10,531	12,128
Santa Cruz.....		1,000	3,075	2,855		1,357	2,478	889
Shasta.....		390	918	604	1,643	1,910	2,816	1,760
Sierra.....		529	1,250	986	1,500	1,401	1,225	2,470
Siskiyou.....		461	960	900		2,461	1,575	3,313
Solano.....		2,000	3,417	4,542	3,000	4,032	5,543	7,992
Sonoma.....		1,200	2,244	4,324	12,000	12,137	17,539	16,990
Stanislaus.....				500		952	584	770
Sutter.....				1,150	2,000	2,678	1,393	2,417
Tehama.....					482	396	1,401	992
Trinity.....		347	395	537		400	1,068	1,200
Tulare.....			810			810	600	1,800
Tuolumne.....				2,554	5,000	1,909	4,316	4,469
Yolo.....			412	1,069	600	2,720	2,577	2,873
Yuba.....	900	1,200	2,832	6,067	3,400	8,000	7,477	13,352
Totals.....	\$20,707	\$47,894	\$85,860	\$181,906	\$200,941	\$192,613	\$204,545	\$256,777



TABLE 12—Continued.

COUNTIES.	1860.	1861.	1862.	1863.	1864.	1865.	Totals.
Alameda.....	\$8,935	\$9,058	\$9,462	\$7,828	\$13,464	\$15,435	\$89,997
Alpine.....	8,854	9,340	8,593	8,951	11,580	1,198	1,189
Amador.....	5,762	6,769	6,541	7,550	9,098	12,085	86,482
Butte.....	8,828	8,896	7,768	6,485	10,021	12,209	64,186
Calaveras.....	2,721	2,987	2,342	2,500	2,240	10,752	65,858
Colusa.....	3,906	5,120	5,091	5,035	8,255	3,190	20,409
Contra Costa.....	866	1,116	398	1,290	909	9,365	57,831
Del Norte.....	13,641	12,721	16,912	14,717	20,514	1,783	7,054
El Dorado.....	.....	80	690	165	150	22,431	136,447
Fresno.....	3,649	2,092	2,627	2,556	3,322	623	1,618
Humboldt.....	150	232	260	577	470	4,294	24,986
Klamath.....	.....	1,203	1,570	445	1,447	790	2,479
Lake.....	.....	.....	.....	.....	.....	1,447	6,112
Lassen.....	.....	.....	.....	.....	812	1,835	2,647
Los Angeles.....	4,827	5,560	5,619	6,436	6,491	10,403	65,187
Marin.....	.....	1,385	2,383	2,232	3,091	3,904	13,884
Mariposa.....	2,390	2,288	3,504	3,008	3,345	3,629	25,258
Mendocino.....	2,127	1,828	2,441	1,043	3,890	6,410	18,239
Merced.....	1,863	1,231	1,425	1,857	1,120	2,782	12,751
Mono.....	.....	216	400	400	.....	.....	616
Monterey.....	2,763	6,072	4,248	4,106	6,696	6,233	46,579
Napa.....	5,840	4,884	4,464	3,481	7,329	7,988	46,098
Nevada.....	5,109	8,101	9,924	10,752	10,752	17,862	77,660
Placer.....	7,330	7,790	8,519	8,114	12,070	14,436	74,693
Plumas.....	315	486	1,110	1,443	2,082	2,815	10,635
Sacramento.....	37,018	26,518	24,422	26,981	21,778	34,321	304,134

San Bernardino.....	2,156	2,008	2,346	1,498	2,609	3,415	31,637
San Diego.....	875	625	520	390	617	680	5,186
San Francisco.....	73,482	73,573	77,615	86,282	90,717	134,699	990,744
San Joaquin.....	15,506	17,819	17,456	17,410	24,338	25,383	169,438
San Luis Obispo.....	975	689	415	620	1,150	1,800	7,524
San Mateo.....	2,465	1,905	4,004	3,507	4,332	6,217	28,308
Santa Barbara.....	984	1,534	1,730	1,010	2,205	2,385	14,532
Santa Clara.....	12,987	12,743	15,686	17,072	21,030	24,998	157,927
Santa Cruz.....	3,666	2,777	4,083	3,957	5,412	6,002	39,151
Shasta.....	3,795	3,610	3,620	3,201	3,892	4,970	32,129
Sierra.....	2,282	3,363	4,926	5,154	6,561	9,375	41,022
Siskiyou.....	4,804	4,216	3,295	3,048	5,094	7,222	37,199
Solano.....	8,546	8,325	8,640	5,430	12,195	10,397	84,059
Sonoma.....	15,745	13,776	16,859	13,768	18,629	27,656	172,867
Stanislaus.....	1,629	1,494	2,205	1,774	2,414	3,723	16,045
Sutter.....	3,825	5,115	2,438	3,258	3,851	6,545	34,670
Tehama.....	975	1,971	2,283	2,931	3,302	4,393	19,126
Trinity.....	1,825	2,257	3,634	1,687	2,396	2,875	18,021
Tulare.....	2,861	1,568	2,729	2,238	2,400	4,077	20,833
Tuolumne.....	3,636	5,495	5,935	5,291	6,400	7,475	52,180
Yolo.....	8,260	8,158	8,077	8,752	9,406	8,632	61,536
Yuba.....	14,476	11,767	11,656	12,088	11,184	15,426	119,825
Totals.....	\$311,165	\$311,501	\$330,249	\$328,338	\$411,101	\$526,585	\$3,410,182

TABLE 13.

STATEMENT by counties showing the annual expenditures of the State of California for Public School purposes since the organization of Public Schools—from 1852 to 1865, inclusive.

COUNTIES.	1852.	1853.	1854.	1855.	1856.	1857.	1858.	1859.
Alameda.....			\$3,645	\$3,086	\$8,155	\$6,660	\$10,138	\$8,250
Alpine.....								
Amador.....			2,392	5,833	6,356	8,907	7,523	6,653
Butte.....		\$150	670	11,000	4,500	5,525	5,421	11,568
Calaveras.....		1,310	2,591	3,224	1,646	3,844	5,487	9,845
Colusa.....			250	284		2,054	1,614	2,516
Contra Costa.....	\$600	1,200	3,316	4,066	4,145	3,173	4,713	4,768
Del Norte.....							1,200	1,195
El Dorado.....	600		4,911	7,376	10,402	7,623	9,397	16,893
Fresno.....								
Humboldt.....		420	4,532	1,496	1,748	2,528	1,931	3,376
Klamath.....								
Lassen.....								
Los Angeles.....			8,071	13,175	10,581	5,468	6,737	4,662
Marin.....		600			600		290	
Mariposa.....			2,396	864	1,526	1,646	1,166	2,264
Mendocino.....		1,050						1,363
Merced.....								1,335
Mono.....					311	933	900	
Monterey.....	200	779	3,446	4,535	2,904	4,842	1,434	4,082
Napa.....			578	1,729	3,184	5,998	4,479	6,367

Novada.....		700	3,474	3,817	3,505	4,314	3,538	7,686
Placer.....			1,975	1,834	1,350	6,312	9,745	9,409
Plumas.....				300	381	757	1,326	807
Sacramento.....		1,210	14,083	26,181	30,471	34,609	45,204	40,998
San Bernardino.....		2,029	2,304	2,348	3,229	3,434	2,531	3,887
San Diego.....			162	275	355	602	684	434
San Francisco.....		35,040	159,249	136,580	125,064	92,955	104,808	134,731
San Joaquin.....		5,387	16,236	15,120	25,000	34,324	16,117	25,586
San Luis Obispo.....		700	1,035	257			553	787
San Mateo.....					915	1,308	2,625	2,651
Santa Barbara.....		475	592	2,585		2,161	313	1,942
Santa Clara.....		6,985	9,087	9,791		10,729	16,826	15,000
Santa Cruz.....	465	1,359	3,412	3,057	8,086	3,684	3,414	2,260
Shasta.....		394	1,601	93		2,943	4,123	4,197
Sierra.....		649	1,904	1,167	2,780	3,750	2,288	3,951
Siskiyou.....		461		1,050	3,750	4,491	4,160	6,839
Solano.....	2,040	2,000	5,410	6,972	5,174	4,619	8,665	9,346
Sonoma.....	2,100	1,200	5,872	48,000	13,267	14,182	21,327	28,740
Stanislaus.....				500	423	1,046	1,215	770
Sutter.....			518	1,200	2,660	2,691	1,510	2,871
Tehama.....					2,482	2,295	1,395	3,351
Trinity.....		347	595	537		405	1,721	2,235
Tulare.....			810		981	1,776	1,115	1,800
Tuolumne.....			170	2,809	6,132	1,112	7,168	6,643
Yolo.....			817	1,543	1,282	4,080	5,844	8,673
Yuba.....			9,552	12,084	10,346	12,062	21,048	16,256
Totals.....	\$33,449	\$65,645	\$275,606	\$334,638	\$305,221	\$307,832	\$339,914	\$427,003

TABLE 13—Continued.

COUNTIES.	1880.	1881.	1882.	1883.	1884.	1885.	Totals.
Alameda.....	\$10,279	\$10,137	\$14,546	\$10,167	\$28,477	\$22,785	\$136,325
Alpine.....	10,141	11,105	9,495	11,038	13,743	1,316	1,316
Anamor.....	8,073	9,111	8,231	8,262	9,749	14,592	107,778
Butte.....	8,993	13,810	9,720	8,221	11,472	15,071	97,331
Calaveras.....	3,516	4,824	2,465	2,826	2,527	15,878	96,041
Colusa.....	4,918	6,554	5,798	5,538	11,585	3,436	26,312
Contra Costa.....	1,145	1,313	1,158	1,619	1,830	10,767	70,541
Del Norte.....	16,460	16,334	22,337	18,676	26,069	2,394	11,854
El Dorado.....	7,036	80	600	165	163	26,815	184,493
Fresno.....	700	2,153	2,888	2,856	3,636	649	1,657
Humboldt.....	700	232	274	601	487	5,159	39,759
Klamath.....	7,663	2,003	2,113	469	1,502	920	3,214
Lake.....	7,663	7,624	6,761	7,175	2,158	3,727	5,885
Lassen.....	2,541	1,905	2,689	3,471	4,329	11,359	98,603
Los Angeles.....	3,750	2,462	4,529	3,551	4,406	3,904	17,188
Mariposa.....	1,383	2,677	3,817	1,131	4,874	5,727	34,128
Mendocino.....	4,132	1,390	1,444	1,857	1,783	7,644	25,256
Merced.....	715	494	1,116	1,817	3,218	2,951	14,320
Mono.....	48,716	33,334	33,312	42,611	43,265	61,792	672
Monterey.....	7,012	6,212	5,332	4,848	7,035	7,467	58,022
Napa.....	6,643	9,633	12,549	3,799	8,549	15,689	68,918
Nevada.....	9,830	10,302	9,723	15,322	15,322	23,011	109,574
Placer.....	715	494	1,116	1,817	17,451	15,944	104,030
Plumas.....	48,716	33,334	33,312	42,611	43,265	5,015	15,946
Sacramento.....	48,716	33,334	33,312	42,611	43,265	61,792	455,786

San Bernardino.....	2,397	2,146	2,606	1,794	2,867	3,715	38,529
San Diego.....	412	677	560	431	665	1,211	6,468
San Francisco.....	156,407	158,855	134,567	178,929	228,411	346,862	2,015,583
San Joaquin.....	20,049	25,722	22,431	21,950	28,132	46,512	302,566
San Luis Obispo.....	1,391	1,058	565	710	1,433	2,095	10,584
San Mateo.....	2,922	3,766	4,601	4,542	8,756	9,106	41,192
Santa Barbara.....	1,290	3,857	2,030	1,032	3,373	2,780	22,430
Santa Clara.....	17,358	14,843	17,372	21,956	29,983	35,701	214,067
Santa Cruz.....	5,617	4,954	5,030	4,411	11,799	8,209	57,206
Shasta.....	7,029	4,486	3,916	3,378	4,946	5,174	45,870
Sierra.....	2,901	5,182	6,189	7,009	8,454	11,100	58,294
Siskiyou.....	5,483	3,860	3,319	3,777	5,922	9,185	49,747
Solano.....	10,708	9,590	10,309	7,176	15,258	17,905	114,272
Sonoma.....	23,718	20,618	19,068	16,086	22,264	35,998	272,440
Stanislaus.....	2,294	1,894	2,546	3,363	2,549	5,059	21,659
Sutter.....	4,455	6,320	2,479	3,626	4,042	7,283	39,955
Tehama.....	6,370	2,461	2,380	3,406	4,504	5,837	34,481
Trinity.....	2,716	3,176	3,362	1,842	2,950	3,269	23,155
Tulare.....	3,135	1,508	2,823	2,359	2,868	4,997	24,172
Tuolumne.....	8,590	8,614	6,789	5,506	8,116	8,105	69,754
Yolo.....	9,001	9,469	9,092	9,948	10,801	9,598	80,148
Yuba.....	16,455	16,110	12,990	13,528	14,127	17,867	174,225
Totals.....	\$474,263	\$470,113	\$441,228	\$483,407	\$655,198	\$883,116	\$5,496,633

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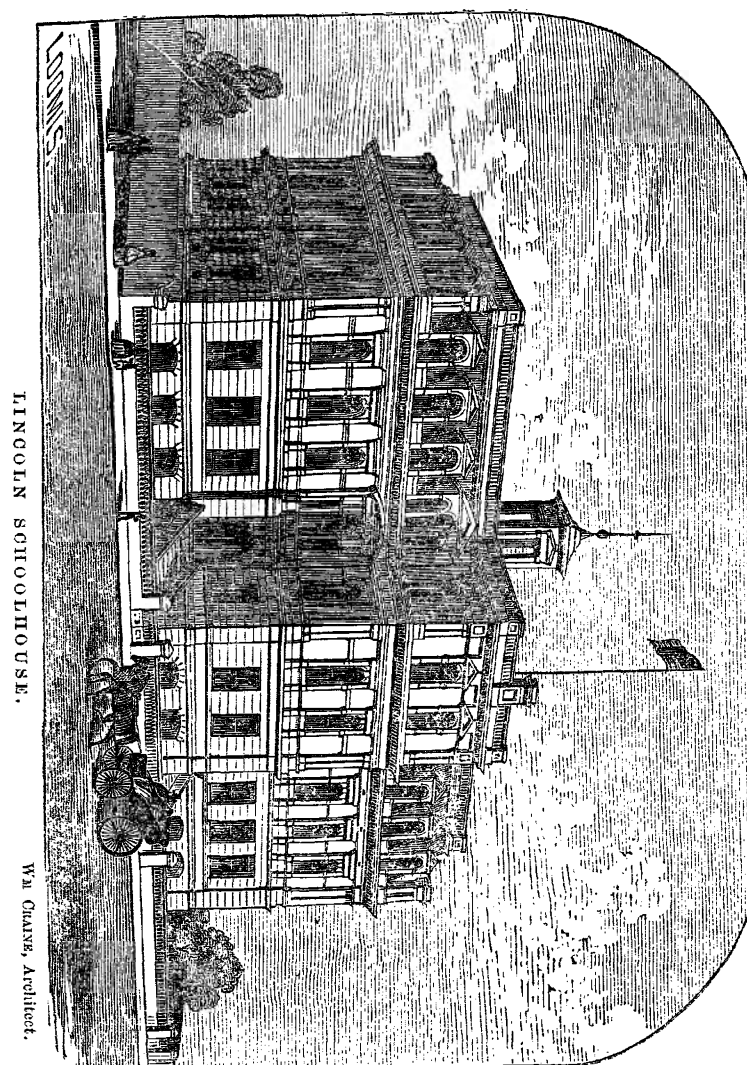
## SCHOOLHOUSE ARCHITECTURE.

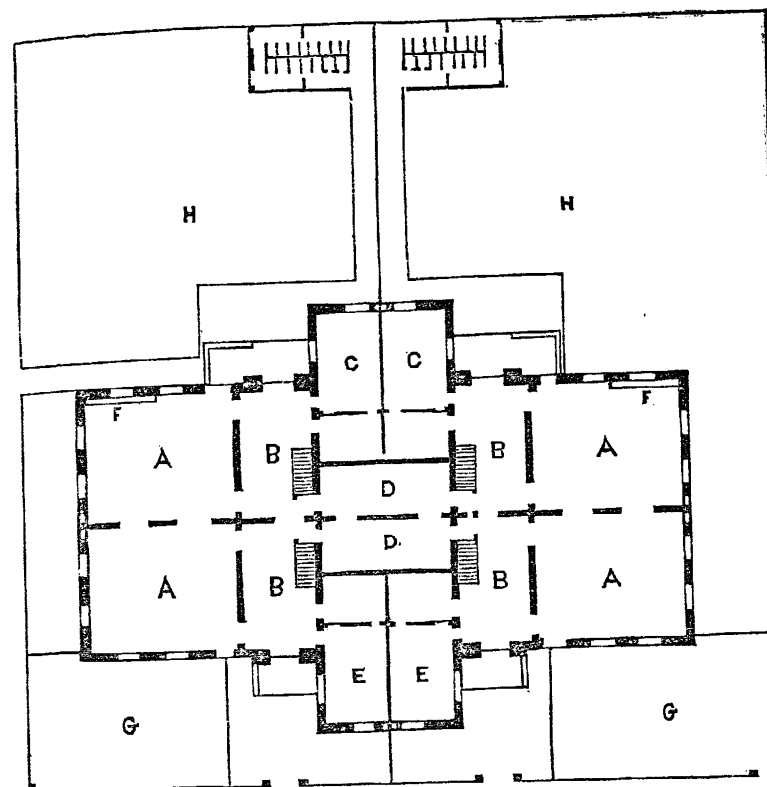
Section fifth of the school law requires the Superintendent of Public Instruction to make "a statement of plans for the management and improvement of public schools." In a new State like this, where so many new schoolhouses are annually erected, the subject of schoolhouse architecture is a most important one. No appropriation has ever been made to the Department of Instruction for the purpose of presenting to the people, in the annual reports, plans and specifications of schoolhouses, and instructions about school furniture. Had this been done some years ago, the million and a half of dollars paid for schoolhouses would have been expended in erecting neater and more convenient buildings. In the absence of means, I have made the best possible presentation of the subject in the following appendix. By the courtesy of the San Francisco Board of Education I am enabled to present wood cuts and plans of the three best schoolhouses of that city. A few of the liberal citizens of Stockton furnished the wood cut of the beautiful building erected in that city. The two cuts of designs for country schoolhouses, with plans and specifications, are taken, by permission, from the valuable report for eighteen hundred and sixty-three of Honorable J. M. Gregory, State Superintendent of Michigan. The cost of the wood cuts was fifty dollars, for which I ask a deficiency contingent appropriation.

### SCHOOLHOUSES OF SAN FRANCISCO.

#### LINCOLN SCHOOLHOUSE.

The Lincoln School building is one of the finest and largest public schoolhouses in the United States. It was begun in August, eighteen hundred and sixty-four, completed in August, eighteen hundred and sixty-five, and cost, including furniture, one hundred thousand dollars.





BASEMENT AND YARDS.

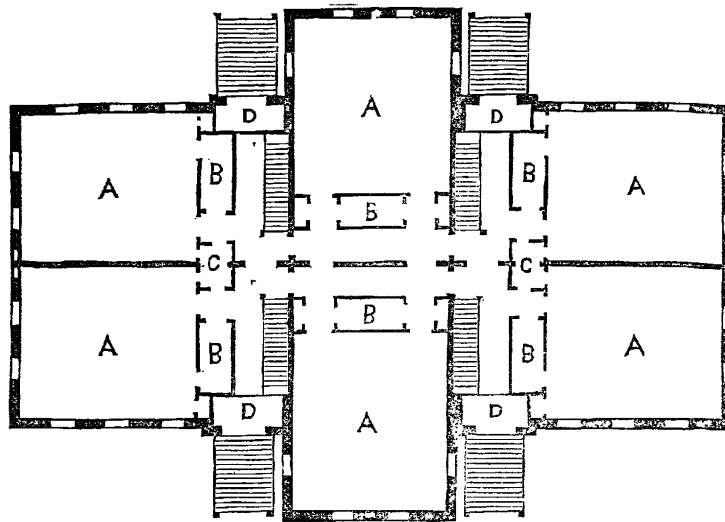
A A.—Boys' gymnasium.  
 A A.—Girls' gymnasium.  
 B B.—Halls.

C C.—Store rooms.  
 D D.—Furnace rooms.  
 E E.—Janitor's rooms.  
 H.—Girls' yard.

F F.—Lavatories.  
 G G.—Front yards.  
 H.—Boys' yard.

It is designed exclusively for boys, and now accommodates one thousand pupils, exclusive of the large hall in the attic story. It is situated on the school lot on the corner of Fifth and Market streets, one hundred and seventy-five feet square, and is inclosed in front by a brick wall and balustrade fence. The plan of the building is cruciform, one hundred and forty-one and one half feet long, by sixty-three and one half feet wide in the body; the wings are eighteen by thirty-three feet, and the whole covers a superficial area of ten thousand one hundred and thirty-seven feet. It is built of brick, in the most substantial manner, with a basement, two stories, and an attic, terminating with a Mansard roof, which is surmounted by a cupola, and surrounded with a balustrade. The basement is nearly above ground, and the walls of the attic square. It is finished with cement, painted and sanded to a light color, and presents a fine architectural appearance.

The walls of the basement and principal story are two feet thick; above that, they are eighteen inches thick. The joists of all the floors are three by seventeen inches. The height of the basement in the

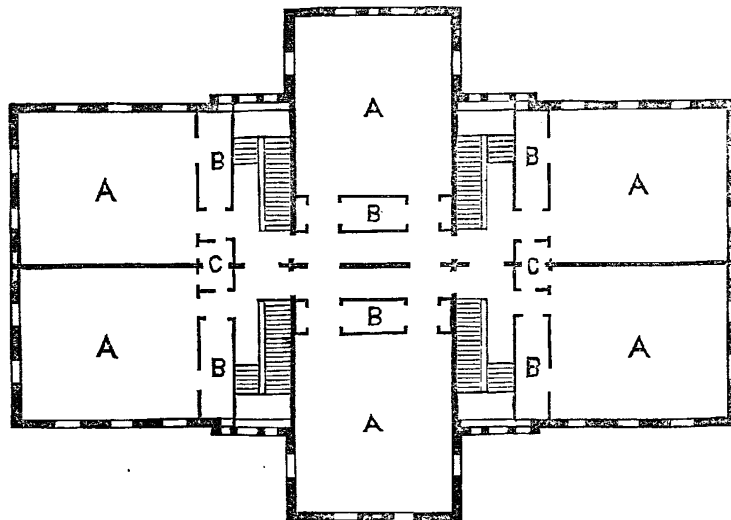


FIRST STORY.

A A A A A.—Recitation rooms.  
B B B B B.—Wardrobe rooms.

C C.—Teachers' rooms.  
D. D.—Vestibules.

clear is eleven feet; principal and second stories, fifteen feet; while the attic or assembly hall, which forms one room throughout the building, is eighteen feet in the clear. Four capacious stairways communicate between the basement and the attic. The ingress and egress to the building are very ample, safe, and convenient, and consist of ten large doorways—four in front, just at each side of the main building, and six

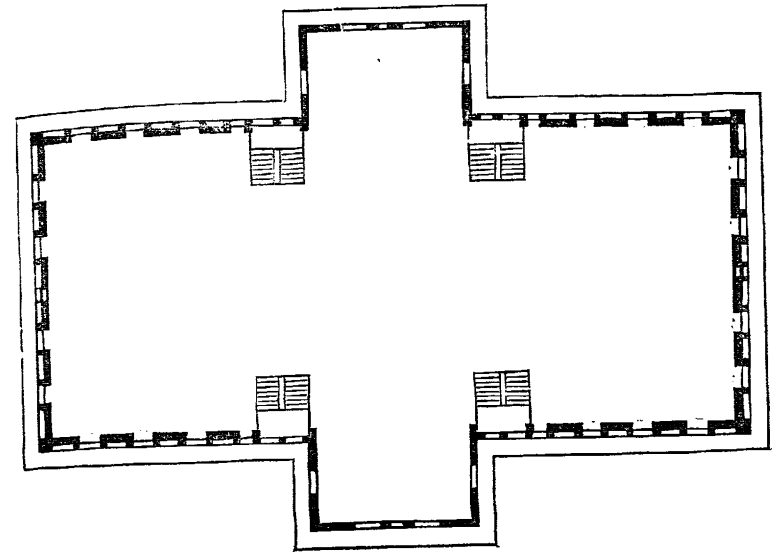


SECOND STORY.

A A.—Recitation rooms.

B B.—Clothes rooms.

C C.—Teachers' rooms.



ASSEMBLY HALL.

in the rear, four of them corresponding with those in front, giving an extent for these purposes of seventy-two feet in breadth. The interior is well lighted and ventilated throughout. The windows are of ground glass, which is a new thing in public buildings here, and very economical, as it dispenses with curtains and blinds. Fresh air is introduced through the apertures near the doors, which are regulated by registers, while the impure air escapes through ventilators near the ceiling.

The distribution of the principal and second stories is uniform, each containing six schoolrooms of twenty-nine by thirty-four feet; six wardrobe rooms, six and a half by twenty and a half feet; two teachers' rooms, six and a half by nine feet; and two halls, eleven feet four inches wide, running through the building transversely, with stairways at each end, reaching to the attic or assembly hall. The attic, as before remarked, is in one room, but is capable of the same arrangement as the stories below. The basement contains six schoolrooms, which accommodate sixty pupils each. All the wardrobe rooms are to be supplied with marble top washstands and water. Each schoolroom is so constructed that a person can pass from one to the other by way of the wardrobe rooms, which obviates the necessity of going into the hall.

The following will give some idea of the vast amount of material used up in a building of this kind. By measurement, there are one million one hundred and forty-nine thousand six hundred and eleven bricks in the walls, and four hundred and fifty-one feet of granite in the sills of apertures in the basement. The wrought iron amounts to six thousand two hundred and eighty-eight pounds; cast iron, twenty thousand five hundred and seventy-four pounds. There are six hundred and sixty-three thousand feet of lumber; two thousand five hundred yards of cement work on the exterior; and seven thousand eight hundred yards of plastering in the interior. The number of lights in the windows is two thousand and fifty-two, or eight thousand eight hundred and forty

feet of ground glass. This building is an honor to San Francisco, and the pride of our public schools.

The charge of extravagance has been raised against the Board of Education, which planned and built it; but it is a safe prediction that in ten years from now its erection will be considered a most wise and judicious measure. It has cost the city a tax of only sixteen cents on each hundred dollars of the assessment roll, and many a little district and town in the State has voted twice that amount for schoolhouses.

#### DENMAN SCHOOLHOUSE.

The Denman School building may also be ranked among the first class schoolhouses of the United States. This house was erected in eighteen hundred and sixty-four, at a cost of seventy-eight thousand dollars, including furniture, and bears the name of the teacher who founded the school in eighteen hundred and fifty-one, who was afterwards City Superintendent, and who is now Principal of the school. It is designed exclusively for girls, and numbers six hundred pupils.

The plan of the building is a parallelogram, of ninety-eight and a half feet by sixty-one feet, having its entrance on the long sides, in projecting portions, each twenty-nine feet by three and a half feet.

The building is three stories high, the first being thirteen and a half feet, and the second and third stories, each fifteen feet high.

It has a Mansard roof, surmounted with a cupola and surrounded with a balustrade, to the top of which the projecting portions are carried perpendicularly from the bottom, thus increasing the interior accommodations of the attic, which is twelve feet high, and contains sixteen Luthern windows in its inclined sides, and six in the said projecting portions of the two fronts, which, together with the advantages arising from its superior location, renders it available and very pleasant for school purposes.

The distribution of the first, second, and third stories is uniform, each containing four schoolrooms of twenty-eight by thirty-four feet; four wardrobe rooms of six and a half by twenty-one and a half feet; two teachers' rooms of six and a half by nine feet; and a hall, eleven feet wide, through the centre of the building, transversely, with easy, spacious stairways at each end, which extend to the attic.

The attic contains two recitation rooms, each twenty-seven by thirty-three and a half feet, and an assembly room capable of accommodating the entire school.

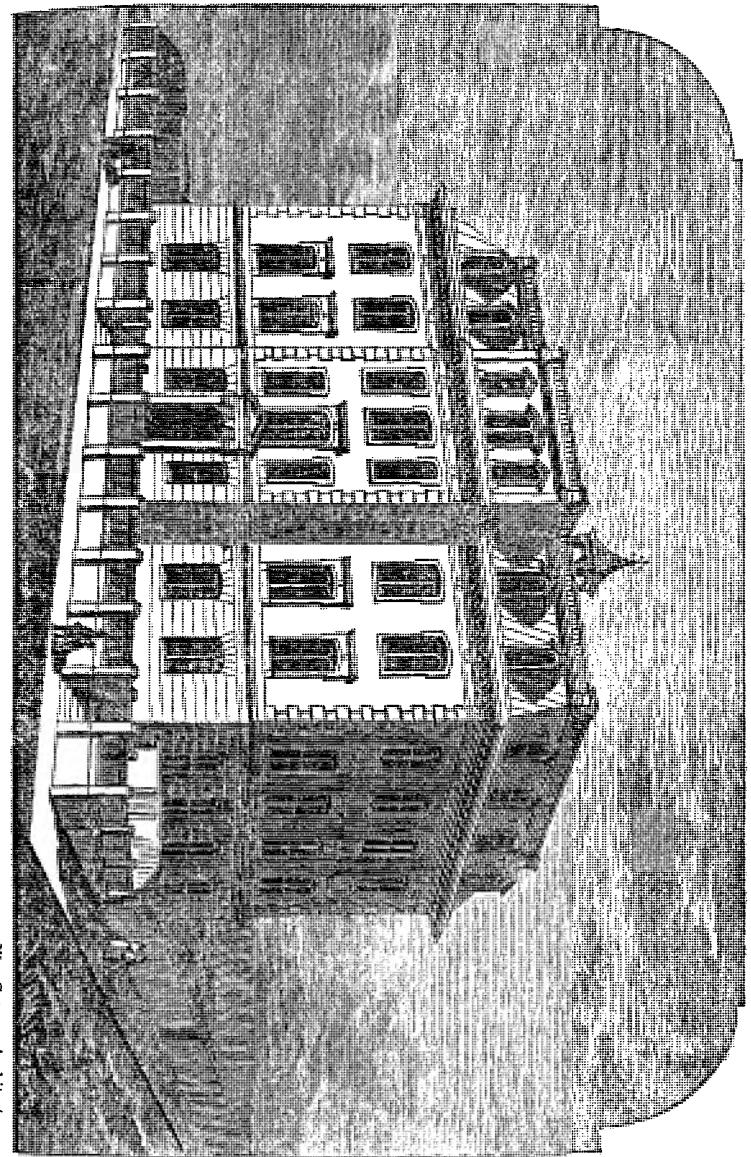
The ingress and egress are rendered safe and convenient by means of four spacious doorways, one in front, and three in the rear; the interior is well lighted and ventilated throughout.

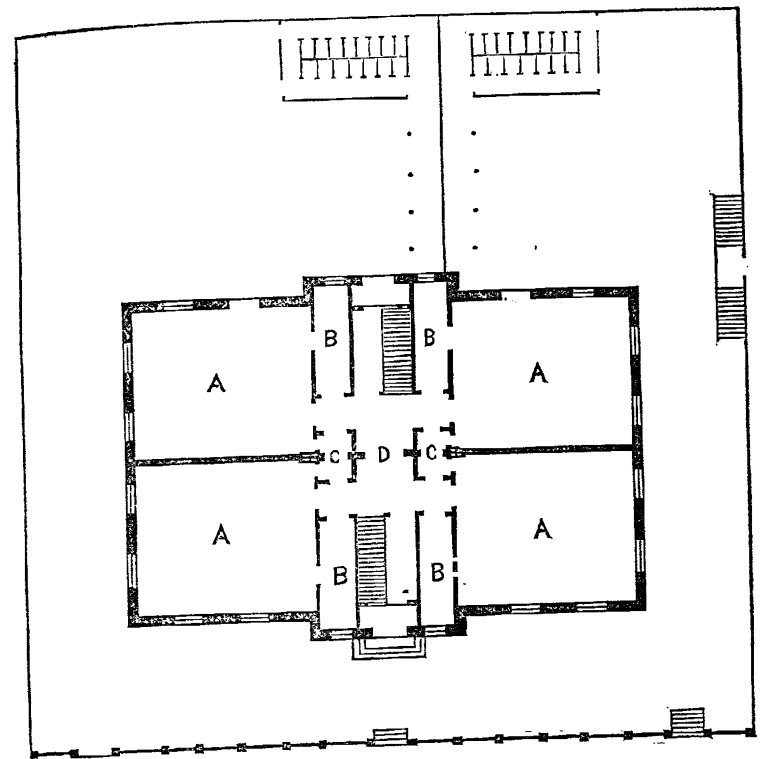
Fresh air is introduced through apertures near the floor, and regulated by registers, while the vitiated air is allowed to escape through ventilators near the ceiling.

All the wardrobe rooms are supplied with marble-top washstands and water; the windows have inside folding blinds. The exterior has an expressive, pleasing, and ornamental appearance. It is finished with cement, painted, and sanded to a light color, which gives it an air of cheerfulness.

DENMAN SCHOOLHOUSE.

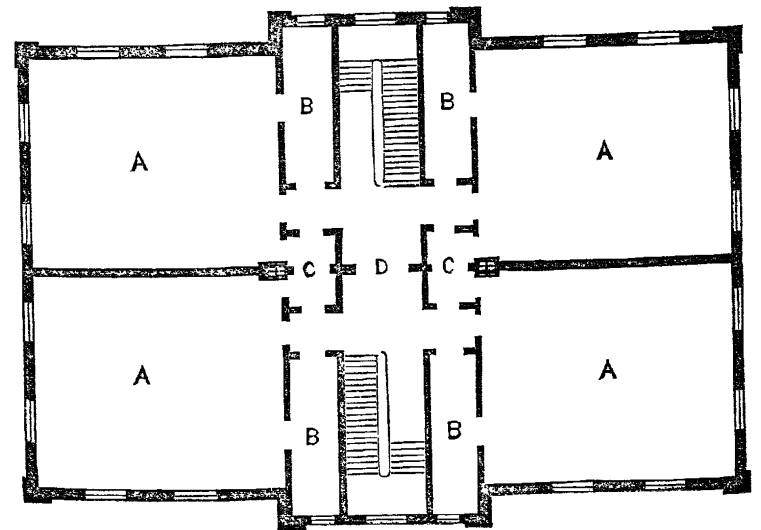
W. CHANE, Architect.



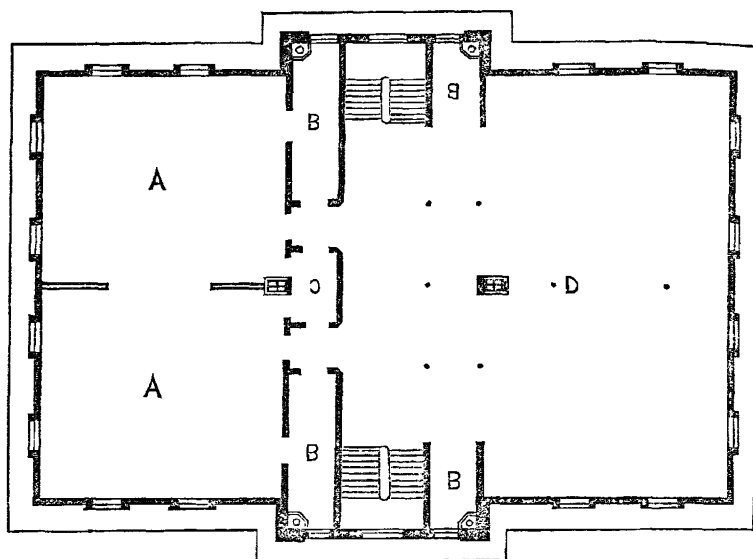


FIRST, SECOND, AND THIRD STORIES.

A A.—Recitation rooms. B B.—Clothes rooms. C C.—Teachers' rooms. D.—Hall.



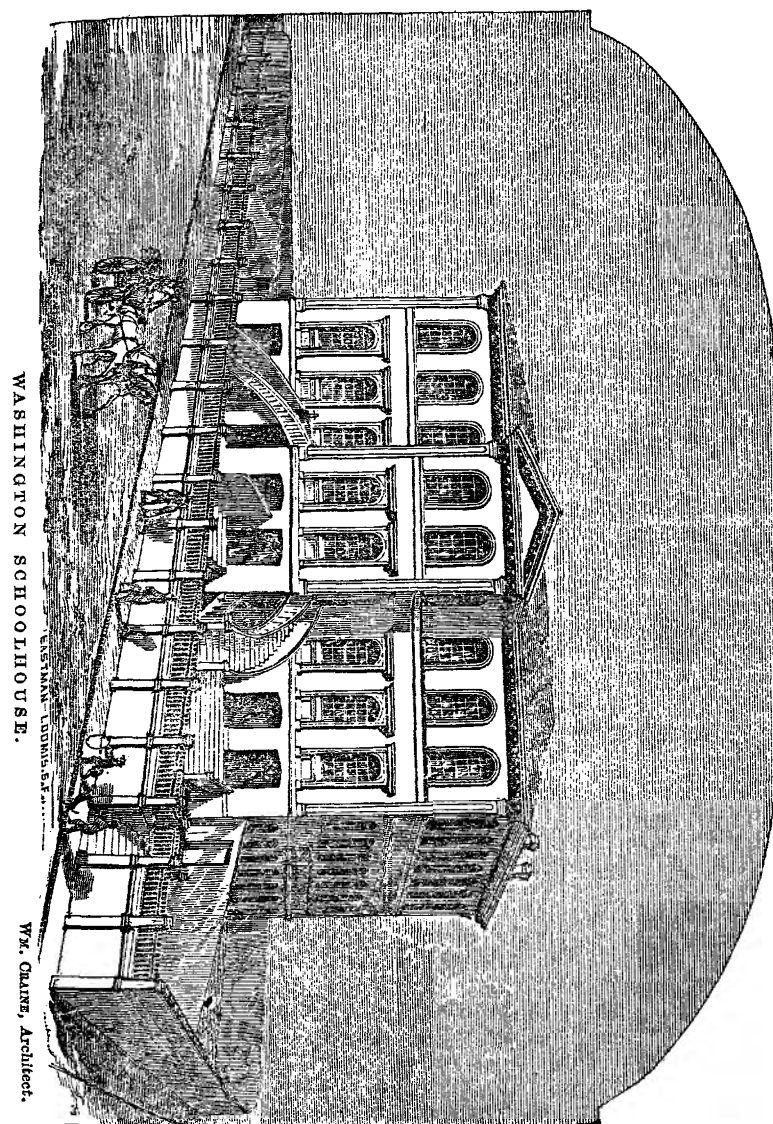


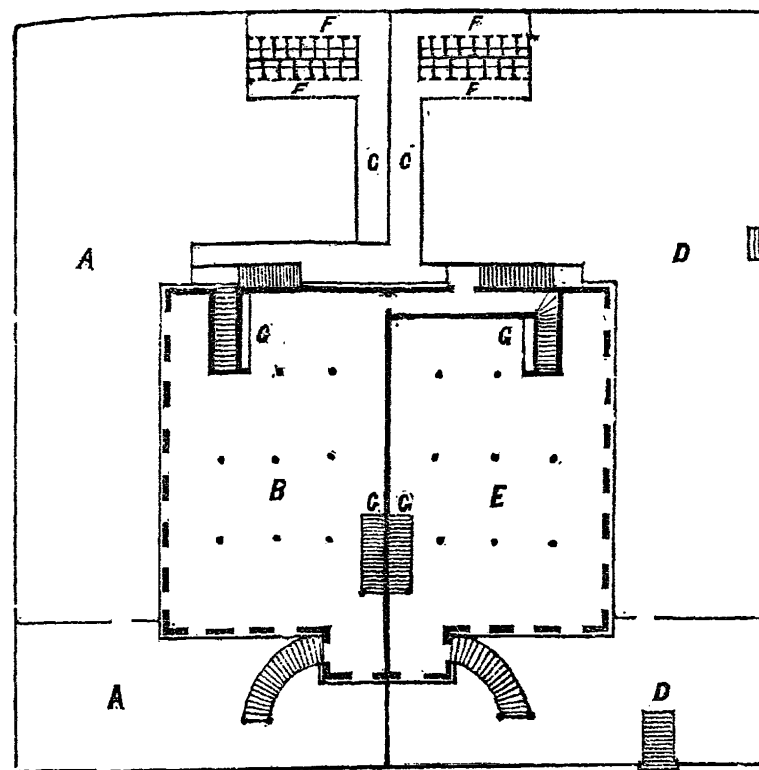


A A.—Gymnasiums. D.—Assembly Hall. B B.—Clothes rooms. C.—Closet.

#### WASHINGTON SCHOOLHOUSE.

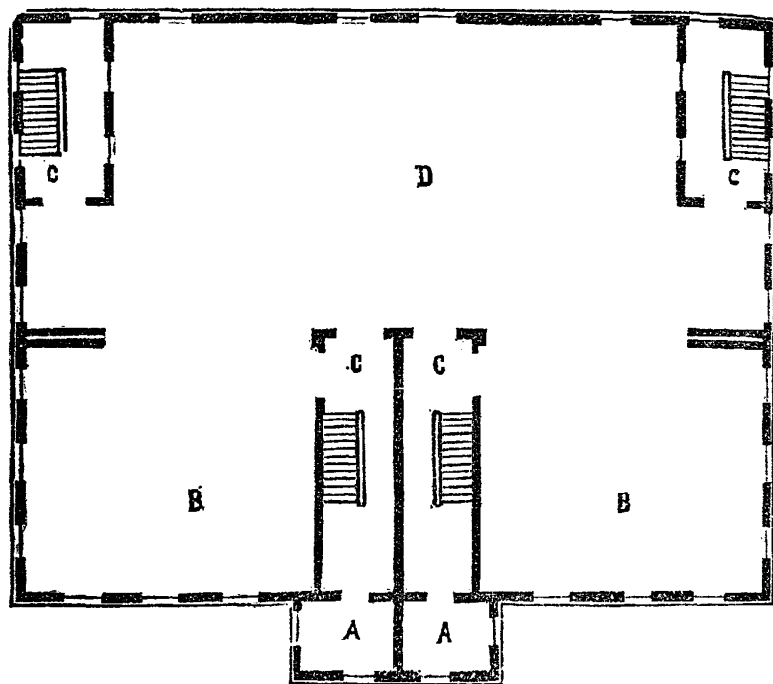
This was built in eighteen hundred and fifty-nine, of wood, at a cost, including furniture and lot, of thirty thousand dollars, is designed for both sexes, and accommodates three hundred and fifty pupils. It is two stories high, with a basement nine feet in the clear, which is divided into storerooms, lavatories, and two large halls for recreation, calisthenic and gymnastic exercises for the girls and boys. This basement is about on a level with the yard, with which it communicates by means of open arches, thus forming convenient and pleasant covered playgrounds to protect the children from the heat of summer and the inclemency of the rainy season. This method of constructing basements is a vast improvement upon the old system. The first story is divided into two front recitation rooms, twenty-six by thirty feet, and two rear recitation rooms, twenty-eight and one half by thirty-three feet. The second story is divided into two recitation rooms, twenty by thirty feet, and one general hall, thirty-three by fifty-eight feet. The rooms on both floors are so arranged, by means of sliding and swinging doors, that they can all be thrown, at a moment's notice, into one large session room, for the purpose of general exercises—such as singing, opening and closing the school, object lessons, etc. There are four large halls of entrance—two in front and two in the rear—which will render the ingress and egress from the building safe and convenient. The study and recitation rooms on the first and second floors are fourteen feet in the clear, and are as well ventilated as a large building can be without central halls to produce free circulation.





BASEMENT AND GROUNDS.

- |                                    |                     |
|------------------------------------|---------------------|
| A A.—Girls' yards.                 | D D.—Boys' yards.   |
| B.—Girls' basement.                | E.—Boys' basement.  |
| C C.—Covered way to water-closets. | F F.—Water-closets. |
| G G.—Lavatories.                   |                     |



SECOND STORY.

A A.—Teachers' rooms.  
B B.—Recitation rooms.

C C C C.—Halls and staircases.  
D.—Session room.

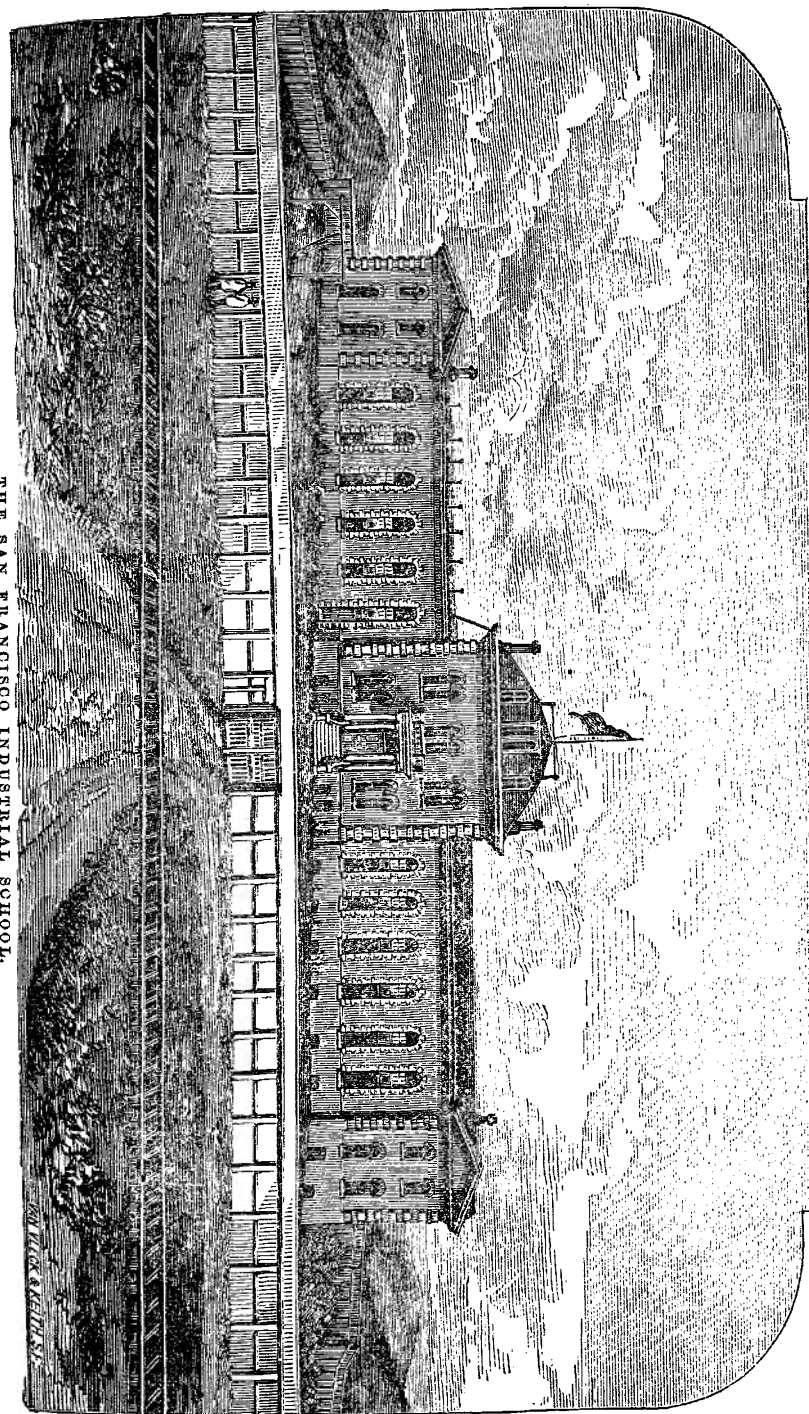
### THE SAN FRANCISCO INDUSTRIAL SCHOOL.

This institution, situated on the line of the San José Railroad, five miles from the centre of the City of San Francisco, was established in eighteen hundred and fifty-eight, and the centre and one wing of the building was completed in eighteen hundred and fifty-nine, at a cost of twenty-three thousand dollars. At the end of the first year after its opening, there had been committed to the school sixty-five boys and girls, of whom thirty-six remained. At the end of the third year there were fifty-two inmates; the fourth year, seventy-six; the fifth year, ninety; and in February, eighteen hundred and sixty-five, there were one hundred and fifty inmates. An additional wing to the original building was erected in eighteen hundred and sixty-four, at a cost of twenty-three thousand dollars, and the interior of the old building remodelled.

Up to February, eighteen hundred and sixty-five, the whole number of children committed to the school was four hundred and fifty.

The institution is not one of punishment, but of correction. There is a good school connected with the institution, conducted on the same general plan as the public schools of the city. The school is supported by voluntary contributions of citizens who are members of the associa-

THE SAN FRANCISCO INDUSTRIAL SCHOOL.



tion, and by an appropriation from the city of one thousand dollars per month. The teacher is paid by the school department of the city.

The boys in the institution are required to work a portion of the time on the farm, in the shoe shop, and at various occupations around the building; and as their terms expire, are placed out at work with responsible persons, at various industrial pursuits.

This school is a benevolent institution, and has been the means of reforming many idle and homeless boys, and making them useful members of society. The following table, from the report of the Board of Managers last year, will show the classes of children which are provided for in this institution:

TABLE VI.

*Showing the causes of commitment of those received during the past year, and previously.*

Causes of commitment.	Past Year.		Previously.		Total.
	Boys.	Girls.	Boys.	Girls.	
Leading an idle life.....	7	5	14	5	31
Leading an idle and dissolute life.....	59	32	218	50	359
Leading an idle, criminal, dissolute life.....		1			1
Burglary .....	1				1
Forgery .....			1		1
Grand larceny.....			4		4
Attempt to commit grand larceny.....			1		1
Petit larceny.....	16	1	43	2	62
Attempt to commit petit larceny.....	1		2		3
Misdemeanor.....	1		2		3
Vagrancy.....			4		4
For protection.....	1		2	4	7
Totals.....	86	39	291	61	477

## OFFICERS OF THE INDUSTRIAL SCHOOL DEPARTMENT.

*President, 1865-'66*—William G. Badger.

*Vice President, 1865-'66*—Jacob Deeth.

*Managers, 1865-'66*—William H. L. Barnes, Benjamin D. Dean, M. D., Alfred F. Durney, L. W. Kennedy, Abraham Seligman, and Robert B. Woodward.

*Managers, 1865-'67*—Leonidas B. Benchley, Charles D. Carter, Nathan Porter, Jacob Schreiber, John H. Titcomb, and Gustave Touchard.

*Appointed from Board of Supervisors, 1865-'66*—Charles H. Stanyan, Monroe Ashbury, and James H. Reynolds.

*Treasurer*—John Archbald.

*Secretary*—James S. Thomson.

*Superintendent*—Joseph Wood.

## STOCKTON GRAMMAR SCHOOL.

This building was commenced in eighteen hundred and sixty-four, and was completed in the latter part of the same year, at a cost of fifteen thousand one hundred and thirty-three dollars. It is a substantial brick structure, with a basement, and a superstructure two stories above. This building was erected on the common school property belonging to the city, on the southeast corner of Market and San Joaquin streets, which is a square of one hundred and fifty feet.

The building is eighty-six feet by thirty-eight feet, with a wing in the rear of twenty-eight by eleven feet, and a portico in front.

The basement is eight and a half feet in height; it was constructed for and is used as a playground for the pupils of the school. The principal story, with the story above, are used solely for school purposes, with accommodations for two hundred and sixty pupils. The first is fifteen and the second sixteen feet in height, each admirably divided into class rooms, with wardrobes, teachers' rooms, and an assembly room in the second story.

## COUNTRY SCHOOLHOUSES.

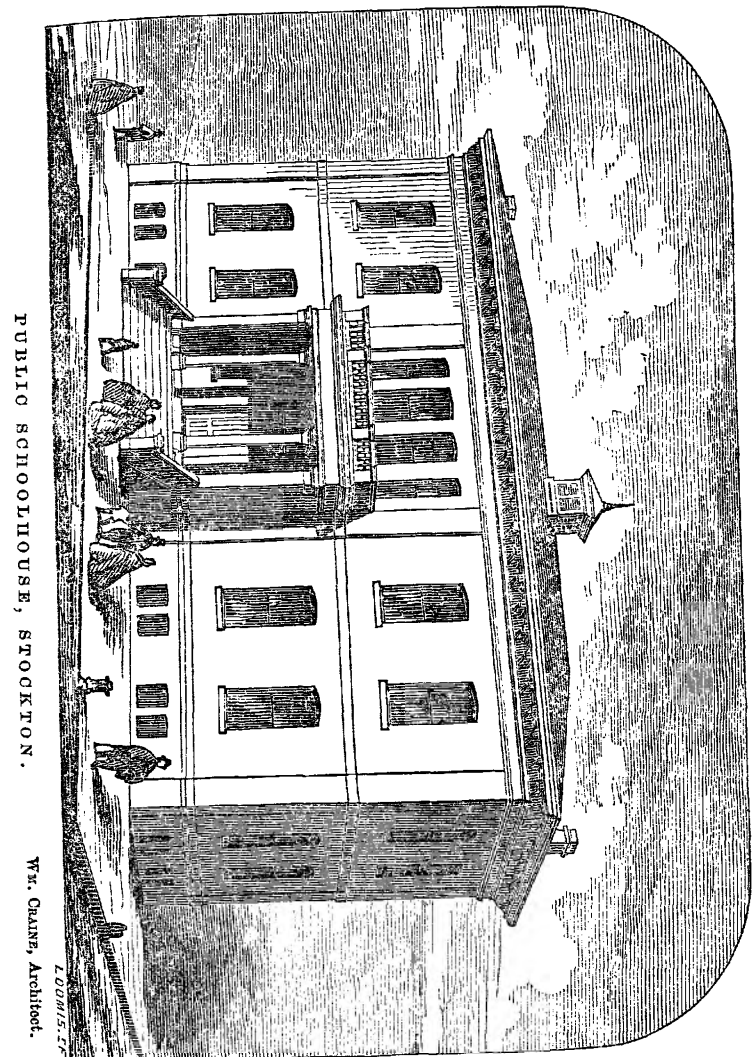
## LOCATION.

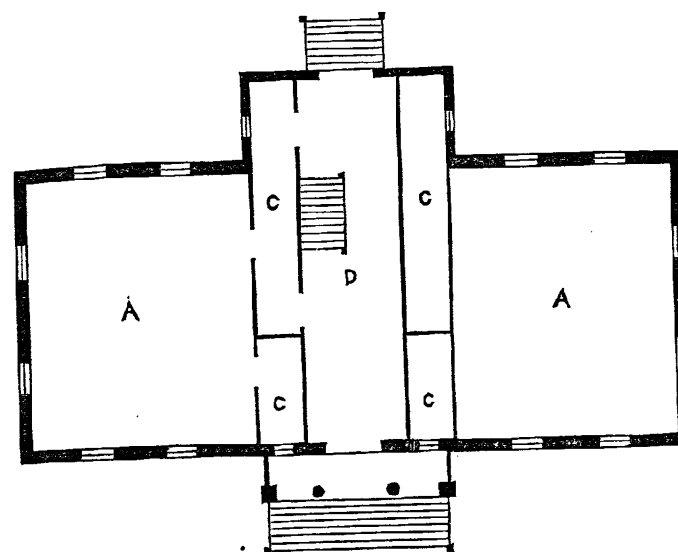
The location of the house will usually be nearly determined by its proximity to the greatest number of families. The central point of the district is the primary consideration. Yet, if Trustees and citizens are men of common sense, they will allow a departure of a few rods from the mathematical centre, if by so doing a pleasant site can be secured. It is bad economy, where land is worth only twenty dollars an acre, to crowd the schoolhouse into the road or locate it in somebody's unfenced field. It is not good economy to select a rocky mound, bare of shrubbery, and too barren to ever grow any, when twenty rods from the spot the house may be built under the protecting shade of an oak grove. Every house in the country should have a fenced playground of at least an acre of land. If it contain no shade trees, then locust or sycamore trees should be planted at once.

## LIGHT.

The greatest defect of country schoolhouses, built for ungraded schools, is their small size. Small houses are built because they are cheap; and lumber is dearer than air, or light, or comfort, or the health of the children.

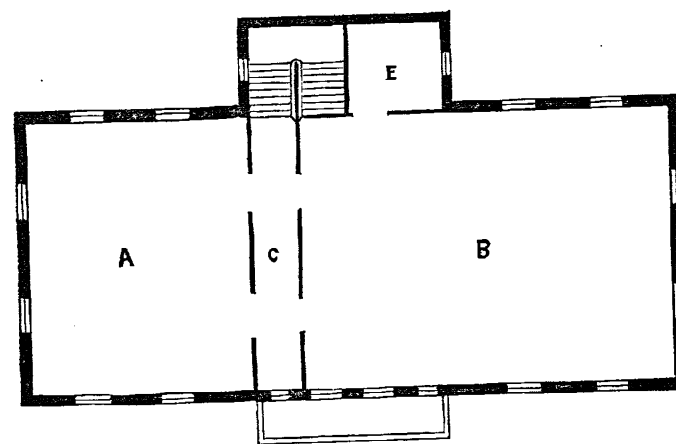
*Build your houses large*, not only on account of the comfort of the children who will immediately attend, but for the purpose of providing for a rapidly increasing population. Many of the houses in this State, twenty by twenty-four feet, and seven feet in height, have fifty, and sometimes sixty or seventy children crowded into them. The air of such rooms is impure, even when half the windows are open. The hot sun of a California dry season scorches through the light roof, and burns all vitality out of the sweltering children. We only wish economical Trustees who





PRINCIPAL STORY.

A A.—Schoolrooms, 28 by 34 feet. C C C C.—Wardrobe rooms, 6 by 45 feet.  
D.—Hall,  $11\frac{1}{2}$  by 45 $\frac{1}{2}$  feet.



SECOND STORY.

A.—Schoolroom, 28 by 34 feet. B.—Assembly room,  $46\frac{1}{2}$  by 34 feet.  
C.—Wardrobe room, 6 by 34 feet. E.—Teachers' room,  $11\frac{1}{2}$  by 11 feet.

put up such shanties, could be compelled to imprisonment in them for the term of thirty days; they never would build any more.

A schoolhouse for thirty children should contain at least six thousand cubic feet of air, or two hundred feet per scholar; that is, it should be at least thirty by twenty feet, and ten feet in height. If for fifty scholars, its capacity should be at least thirty by thirty-six feet on the ground, and ten feet high, or still better, twelve feet high.

## PLAN.

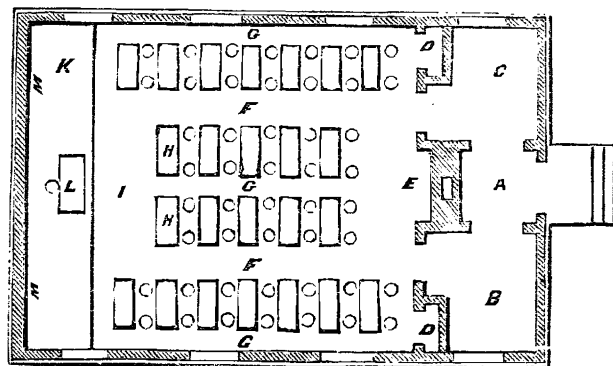
Having determined the size, the next important point is the style of architecture. Unless the Trustees adopt the "Box style," the prevalent one in this State, they should consult some work on school architecture, such as "Barnard's" or "Johonnot's Country Schoolhouses;" or they should secure the services of some competent architect. Many of the small schoolhouses in the State are marred by some deformities either external or internal, which could have been avoided without additional expense, by the advice of some competent judge of school plans. A plain piazza would be a great addition and ornament to most of the box-houses of the State.

## INTERNAL ARRANGEMENTS.

The best form for a schoolroom is a rectangle whose length is one fourth greater than its breadth, with the teacher's desk at one end. The teacher's platform should not be more than six inches in height, if any is built. In all rooms not larger than thirty by thirty-five feet, it is far better to have no platform whatever. The raised platform is a relic of the days when the "teacher's desk" was a huge pulpit, elevated in awful dignity over the heads of trembling urchins. A level floor economizes space and looks neater. The teacher's desk should be a light movable table, and never a "box." For male teachers an office desk is the best.

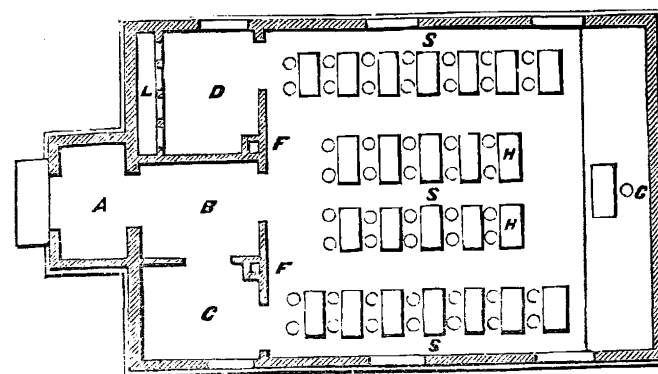
There should be two entries or halls, one for boys, another for girls, each supplied with hooks, mats, basins, and towels. The walls of the room should be lined with blackboards, commencing two or two and a half feet from the floor. They should be made of composition set in the walls with the plastering. Where the walls are not plastered the blackboards may be made of pine wood, painted, and covered with a coating of liquid varnish. A broad aisle should extend all around the room.

No. 1.—Plan for an ungraded or a primary schoolhouse.



- A.—Lobby, six feet square.  
 B.—Clothes room for girls, six by seven feet.  
 C.—Clothes room for boys, same size.  
 D D.—Closets for books.  
 E.—Fireplace, or recess for stove.  
 F F.—Passages, two feet wide.  
 G G G.—Passages, sixteen inches wide.  
 H H.—Seats for two pupils each.  
 I.—Space for classes at recitation.  
 K.—Platform, four by twenty-two feet.  
 L.—Teacher's desk.  
 M M.—Blackboard.

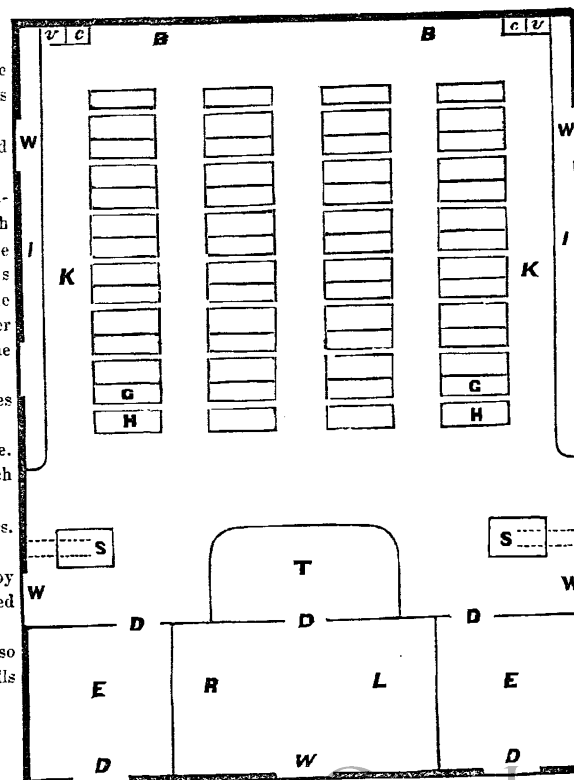
No. 2.—Plan for an ungraded or a primary schoolhouse.



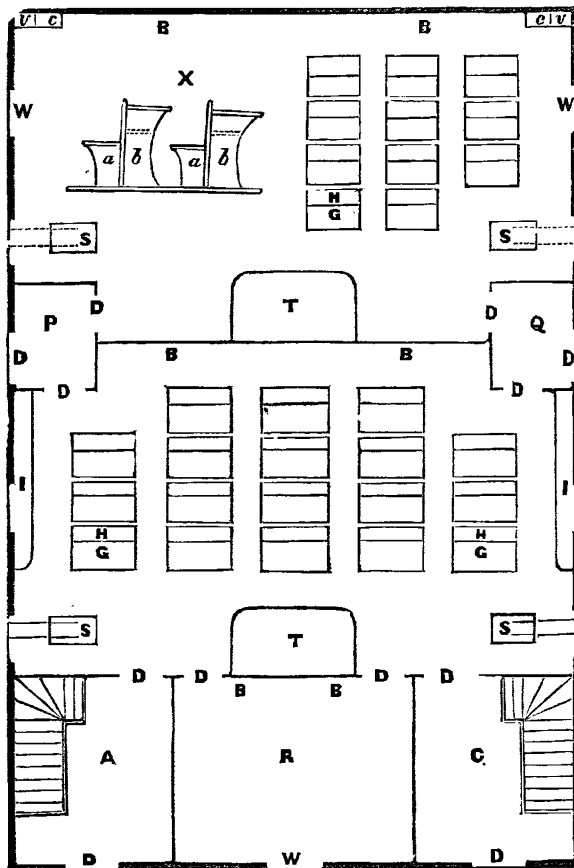
- A.—Lobby, or outside porch, five by six feet.  
 B.—Recitation, or teacher's room, eight by eight feet.  
 C.—Girls' clothes room, six by eight feet.  
 D.—Boys' clothes room, six by eight feet.  
 F F.—One a smoke flue, and the other a ventilator, brought together in the loft, and topped out together.  
 G.—Teachers' desk, on a platform four by twenty-two feet, with blackboard behind.  
 H H.—Seats for two pupils.  
 L.—Library.  
 S.—Passages, or aisles.

No. 3.—Plan of a schoolhouse for fifty-six scholars.

- D D D D.—Doors.  
 E E.—Entries lighted over the outer doors, one for the boys and the other for girls.  
 T.—Teacher's platform and desk.  
 R L.—Room for recitation, library and apparatus, which may be entered by a single door back of the teacher's desk, as represented in the plan, or by two, one on either side of the desk, as in the following plan, No. 4.  
 S S.—Stoves, with air tubes beneath and metal casing.  
 K K.—Aisles, four feet wide. The remaining aisles are each two feet wide.  
 cc.—Chimneys and ventilators.  
 I L.—Seats for recitation.  
 B B.—Blackboard made by giving the wall a colored hard finish.  
 Wall blackboards should also be made on the side walls marked K K.  
 Size—thirty by forty feet.  
 Scale—ten feet to the inch.



## No. 4.—Primary and intermediate department on same floor.



BLACKBOARDS.

We quote the following excellent article from "Johonnot's Country Schoolhouses:"

"The first article of general apparatus indispensable in every school-room is a blackboard. There is scarcely a single exercise in the school but may be made more clear and interesting by its use. With it, large classes are taught with as much facility as individuals are without it, and there is not a moment in a day when its aid may not be required to elucidate some difficult point, or to teach to the eye what the mind does not distinctly comprehend through the avenue of the ear. A teacher that thoroughly understands drawing can make it compensate, in a great measure, for the absence of almost every other kind of apparatus. We look upon the blackboard as a schoolhouse fixture almost as important as the roof or foundation stones; and in this age of the world there is scarcely a corner of the country so benighted where an effort would be made to dispense with its use. The blackboard should be a large one,

if possible of a size sufficient for all the members of an ordinary class to work at it at the same time. It should be about five feet wide, placed two feet above the floor, and should extend entirely across the side of the room facing the school. In large rooms, where this amount of blackboard would not be sufficient, others might be placed on the sides, between the windows. A trough should always be placed beneath the board to catch the dust, and to serve as a shelf for chalk and wipers. In all the designs given in this work, the blackboard has been placed immediately in front of the school, occupying all the space on that side of the house not taken up by doors.

"Blackboards may be made as follows: Take thoroughly seasoned clear pine planks, one and a half inches thick, being careful to select those from which pitch will not exude; match them, and bring their surfaces to a perfect level and smoothness; set them in a frame, so that they may be driven together if they should shrink; then paint them thoroughly with the best kind of black paint, mixing with the last coat a quantity of pulverized pumice stone, to make the surface slightly gritty, so that chalk marks can be easily made and distinctly seen. Blackboards made in this manner will need repainting occasionally; but great care should be taken to avoid a shining surface that reflects the light. When a board becomes shiny, its dark, unreflecting surface may be restored by washing it in a mixture of lampblack, glue, and turpentine. A board made in this manner requires great care, and must of necessity be quite costly, and many experiments have been tried to find some less expensive article that will supersede its use.

"1. *The Black Wall.*—In constructing a black wall, to be used in the place of a blackboard, care should be taken to have the foundation perfectly solid and unyielding. A brick wall would be the best; but it may also be made upon a lath and stud partition, in which case the studs should not be more than one foot apart, and they should be thoroughly bridged before the lath is laid. The outer coat is made of the same materials as ordinary hard finish, and is put on in the same manner, only a sufficient quantity of lampblack, dissolved in alcohol, is mixed with the plaster, to make the entire mass perfectly black. To succeed tolerably in making a black wall, it is necessary to have freshly calcined plaster and pure white sand, and it should be put on by a workman who is accustomed to laying hard finish. Many failures have occurred by neglecting these cautions. The following recipe, taken from the *Canada Journal of Education*, is given as a guide to those who are unacquainted with the matter:

"'For twenty square yards of wall, take three pecks of mason's putty (white finish,) three pecks of clean white sand, and three pecks of ground and calcined plaster; add to this mixture three pounds of lampblack dissolved in three gallons of alcohol, and lay it on evenly and smoothly.'

"2. *Paper Surface.*—The following recipe for a paper surface for a blackboard is given in 'Barnard's School Architecture': 'Cover the surface smoothly with ordinary wall paper, taking care to remove all inequalities, then cover it with the following composition: grind a quantity of lampblack in alcohol, to entirely free it from its lumps; mix with it the flour of emery and spirit of varnish, using a sufficient amount of lampblack and emery to give the required black and abrading surface—and the varnish should contain only sufficient gum to hold the ingredients together, and confine the composition to the wall. The compo-



sition can be applied with a common paint brush. The surface should be thoroughly dry and hard before it is used."

*Pierce's Patent Slate Surface.*—This liquid slating is invaluable as a coating for all wood blackboards. It is applied with a fine brush, in the same manner as paint or varnish. A coating costs from five to ten cents per square foot, and will last several years; the surface never becomes glossy or shining, as is the case with paints, and the marks upon it can be seen from any part of the room, at all angles; the surface is hard as stone, and is not injured by water or any other liquid. For marking on this surface, common chalk, or chalk crayons, or soft slate pencils can be used.

*Pierce's Patent Crayon* is cheap, and having no chalk in its composition, makes no dust. The slating and the patent crayons are for sale by Warren Holt of this city, and at the bookstores generally. The price of quart cans of liquid slate surface is, at present, two dollars and fifty cents; patent crayons, two dollars a gross. Teachers who desire to make daily use of blackboards, will do well to buy a can of this slating at their own expense, if the Trustees object to purchasing it.

#### A MODEL SCHOOLHOUSE.

We quote the following picture of what a schoolhouse ought to be, from a report, some years ago, by John D. Philbrick, the present City Superintendent of the Boston Schools:

"Its admirable situation is what first arrests our attention, and disposes us to linger and enjoy the scene. In conformity with the principles founded upon the laws of health and the dictates of taste, it is placed upon firm ground, on the southern declivity of a gently sloping hill, open to the southwest, from which quarter come the pleasant winds in summer, and protected on the northeast by a thick wood. From the road, it is remote enough to escape the noise, and dust, and danger, and yet near enough to be easily accessible by a smooth, dry gravel walk.

"About it is ample space, a part of which is opened for playground, and a part is laid out in plots for flowers and shrubs, with winding alleys for walks. These grounds, it will be observed, are partially shaded by tall trees, not in stiff rows, nor in heavy clumps, but scattered in graceful irregularity, as if by the hand of nature. In the liberal playground, containing scarcely less than an acre, room has been found for a 'specimen of the kingly, magnificent oak, the stately hickory, the wide-spreading beech, with its mass of shade, the symmetrical maple, with its rich and abundant foliage, the majestic elm, the useful ash, and the soft and graceful birch.' In one corner is a cluster of the picturesque locusts, with their hanging, fragrant flowers, and the principal eminence is crowned with the hemlock and laurel, the most beautiful of evergreens. The flower garden, which lies between the building and the road, throws a charm around the spot, and gives it an air of elegance and taste. Here, in this school of nature, where God himself teaches through his exquisite handiwork, the children in hours of relaxation may be seen among the roses, the viburnums, the honeysuckles, the sweetbriars, and many garden flowers, which fill the air with fragrance, unconsciously imbibing the love of the beautiful, and learning to find their pleasures and amusements in what is pure and lovely.

"The building itself which occupies this well chosen spot, is very

different from most of the schoolhouses, as they were but a few years since. From the size of some which we have seen we might imagine that they were built for the purpose of packing the children in like pickled herring, instead of affording space for moving and breathing; while others, having been, by the joint action of time and the vandal hands of the boys, clothed in dilapidation and ruin, present in their repulsive aspects the very image of desolation and cheerless poverty.

"It is quite otherwise with the one before us. Its generous size, its graceful proportions, and the good taste displayed in the finish, produce the most agreeable impression. Taken together with its pleasant grounds it constitutes a view which charms every beholder, and is the fairest ornament of the village which it blesses. Within, everything is in keeping with the perfection which reigns without.

"The preservation of health, the demands of taste, and the requirements of convenience, are equally regarded in all the provisions and arrangements. For each scholar there is a separate desk and chair, mounted on iron supports, and combining in a high degree, elegance, comfort, and durability. The scholars are seated facing the north, and on that side of the room which is occupied by the teacher the wall is covered with blackboards and maps. There, too, we find ready at hand all needed apparatus, and a library, in a safe and convenient repository. The light is not admitted in front, to the great injury of the eyes, as is too often the case, but is received from the east and west, thus falling, as it should, upon the sides of the pupils, and affording the greatest supply when needed, namely, in the morning and afternoon. The warming apparatus is so constructed as to diffuse an equable temperature throughout the room, without subjecting any part to the extremes of heat and cold; while the apparatus for ventilation effectually removes the air as fast as it becomes unfit for breathing, and supplies its place with the pure, unadulterated atmosphere of heaven. Mats, scrapers, water, clothes closets, and a suitable place for fuel, are all supplied.

"And there it stands, the beautiful structure, with its little tasteful park, its shrubbery, its flowerpots, and all other needed appurtenances and ornaments. There it stands, the daily blessing of many children and youth who resort to it for the bread of knowledge. There it stands, the surest guaranty of the future happiness and prosperity of the community among whom it is located.

"It is itself a teacher. It teaches neatness and order. It promotes good morals and manners. It instills into the tender mind of childhood the love of the beautiful in nature and in art; and proclaims to every passer by the dignity and importance of education. It is not a cold abstraction; it is a living epistle to be read of all.

"But this fit home for the school to dwell in did not spring out of the ground, like Jonah's gourd, in a night. It cost treasure, and it cost labor, but it amply compensates for both. Such a schoolhouse is far more economical than those of the poorest class. By a few simple operations in addition and subtraction, it may be shown that no district can afford to support a poor schoolhouse. If any one doubts it, let him sit down with me and sum up the cost of keeping up such a concern. Reckon the sums of money you annually sink in paying teachers to work without suitable tools and means, not forgetting that, as a general rule, you will be compelled to put up with the poorest teachers, for the best will not put up with such accommodations without extra compensation. Add

to this the loss of half or three fourths of the school time of your children. Calculate the value of that knowledge and intellectual culture which your sons and daughters are thus deprived of forever. Compute, if you can, the amount of loss sustained in injured lungs, and spines, and eyes, in colds, and fevers, and consumption, and all the train of evils generated or aggravated by the defects of the bad schoolhouse; and to this add its unhappy effect upon the taste and moral sentiments, those faculties which are so intimately connected with whatsoever things are lovely, and whatsoever things are of good report. Bring together these items in one grand sum total, and then say if any community can afford to support a poor schoolhouse."

#### GENERAL APPARATUS.

*Globe.*—A small globe is an indispensable aid to the study of geography. Joslin's Telluric Globe, which costs from ten to twelve dollars, is well adapted for use in ungraded schools. A larger common globe can be obtained for fifteen dollars. Perce's Magnetic Globes, noticed in the *Teacher* some months ago, will be found valuable.

*Maps.*—Every school should have a set of Cornell's Outline Maps, as children form more correct ideas from large maps than from the small ones in the text books. Cornell's Maps are the best ones published for use of ungraded and grammar schools, and cost about fifteen dollars a set. Bancroft's Map of the Pacific States, which costs only ten dollars, ought to hang on the walls of all the ungraded and grammar schools in the State.

*Colton's Geographic Picture Cards*, which cost three dollars, ought to be furnished to every primary school.

*Dictionary.*—A copy of Webster's new Pictorial Dictionary, for reference by teacher and scholars.

*Charts.*—Willson's School and Family Charts, which cost at the present time about twelve dollars, are indispensable accompaniments to Willson's Readers. They are of more practical use than either globes or outline maps.

*Abacus.*—Every primary school ought to have an abacus or numeral frame, which costs only a dollar and a half, and which is invaluable in giving elementary lessons in arithmetic.

*Penmanship.*—A set of Spencerian Charts, or of Payson and Dunton's Charts, will cost but little, and will be exceedingly useful in teaching the much neglected branch of writing.

*Miscellaneous.*—A box of geometric solids, which will not cost over three dollars, is very desirable. Every well furnished school ought to have the following articles, whose cost is very trifling, but whose use in illustration is very important:

A foot rule and a yard rule, for lessons in long measure.

Blocks representing a square inch and square foot.

Cubical blocks representing a cubic inch and cubic foot.

Gill, pint, and quart measures.

Ounce, quarter pound, half pound, and pound weights, avoirdupois, and scales for experiments in weighing.

A box of beans and a counting board for the first lessons in arithmetic.

*Cabinet.*—Every school ought to have a cabinet case for the preservation of curiosities and common things—specimens of the various metals, iron, tin, copper, lead, zinc; of rocks, such as quartz, granite, slate, marble, etc.; of common chemical products, as salt, alum, and soda; of

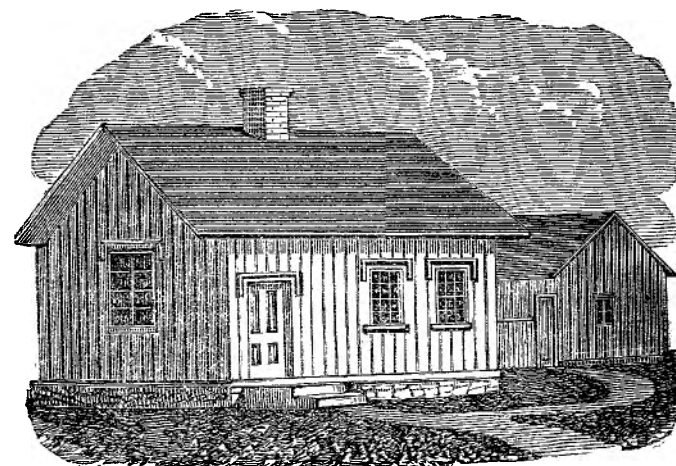
the different grains, as wheat, rye, barley, oats; of the kinds of wood, as oak, pine, redwood, and of a hundred other "common things," about which so many of our school children are uncommonly ignorant. Hardly a school in this State possesses any kind of a cabinet; a hundred might have had valuable ones if the teachers had taken any pains, and had the Trustees provided suitable cases.

*Gymnastic Apparatus.*—All schools, except the smallest and lowest grade primary, ought to be provided with a part or with all of the following cheap and simple appliances:

1. A set of "wands" or "rods," to be used by the girls in calisthenic exercises.
2. A set of light wooden dumb bells for both boys and girls.
3. A set of "bean bags," which cost nothing but the work of some of the older girls in school.
4. A parallel bar for the boys' playground.
5. A common swing and a rotary swing for the girls' playground.

#### PLANS AND SPECIFICATIONS FOR COUNTRY SCHOOL- HOUSES.

The specifications attached to the following plans, taken from the Michigan School Report, can easily be adapted to this State by inserting redwood, instead of pine lumber, and by making the estimates of cost at least four times as high. Had the Legislature placed any means at the disposal of the department, plans and specifications could have been secured from our own architects, without using what has been paid for by the State of Michigan.



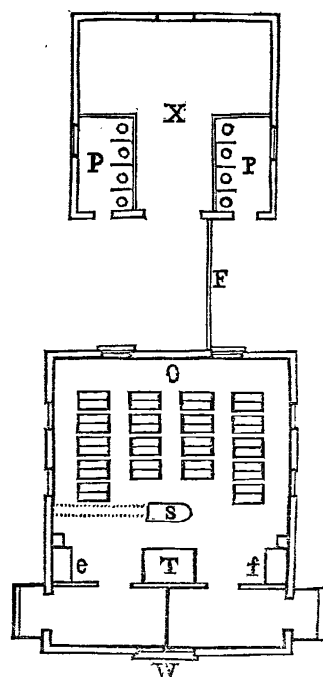
L. DOWNS.

DESIGN NO. 1—COUNTRY SCHOOLHOUSE.

This is the smallest sized schoolhouse favored by the law, since it prohibits the expenditure of more than one hundred and eighty dollars for

any house of less size, but does not restrict the amount that may be expended upon this.

The size is twenty-four by thirty feet on the ground, with a height of ten feet between the floor and ceiling.



[Plan No. 1.]

F is a high and tight board fence running from schoolhouse to the woodshed.

X, the woodshed, about eighteen by eighteen feet.

P, P, privies constructed in the corners. In case of a small school, these may be reduced to two seats each, and the woodhouse be made only ten by eighteen feet.

**Desks and Seats.**—The two outside rows of desks and seats, designed for the larger scholars, should be three feet nine inches long, and occupy on the floor two and one half feet from the front of one desk to the front of the next. The desks should be each sixteen inches, and the seats each twelve inches wide. The desks and seats in the middle rows need not be more than three feet in length, and two and one sixth feet from front to front. The desks should be thirteen inches in width, and the seats twelve inches each. The highest seats may be sixteen inches high, and the lowest only twelve inches. A portion of the seats may be intermediate between these heights. The height of the highest desks on the side next the pupil should be about twenty-eight inches; that of the smallest desks twenty-one inches.

**Aisles and Passages.**—The seats in this plan will allow of passages next the walls, and aisles between the rows of desks, of two feet each.

The accompanying figure exhibits the ground plan of schoolrooms, and also of woodshed and privies in the rear.

The schoolroom is twenty-four by twenty-four feet, and seated with double desks and seats for thirty-six pupils.

The entrance halls are six by twelve feet, lighted by a large double window, W, in front, half of the window being in each hall.

O is a space three feet wide left in the rear of the seats for the standing of the classes. On the walls in the rear should be blackboards.

T is the teacher's platform and table, behind which the wall should be covered with blackboard.

S represents the place of the stove, and the dotted lines running to the side of the room represent the direction of the cold air tube leading beneath the floor.

e and f represent strong cases built in the corners of the room, provided with locks, one for books and a library, and the other for maps and other apparatus belonging to the school.

Adjoining these cases are shown the ventilating tubes, leading into a flue to the chimney, above the ceiling.

# Bill of Material for Design No. 1.

Two sills, thirty feet long, six by eight inches—two hundred and forty feet; three sills, twenty-four feet long, six by eight inches—two hundred and eighty-eight feet; thirty-six joists, fifteen feet long, two by ten inches—nine hundred feet; twenty-five joists, twenty-four feet long, two by six inches—six hundred feet; thirty-six rafters, eighteen feet long, two by six inches—six hundred and forty-eight feet; four posts, twelve feet long, two by six inches—one hundred and forty-four feet; twenty-four window posts, twelve feet long, four by four inches—three hundred and eighty-four feet; ninety studs, twelve feet long, two by four inches—seven hundred and twenty feet; four plates, thirty feet long, two by six inches, spiked down—one hundred and twenty feet; total, four thousand and four feet.

One thousand feet one inch and a quarter ash flooring; nine hundred feet parallel boards, twelve feet long and one inch thick; nine hundred feet parallel boards, sixteen feet long, and one inch thick; one hundred and eight pieces batten, one by two and one half inches; twelve hundred feet common inch boards; one thousand feet inch second clear; one thousand feet two inch second clear plank; five hundred feet one and a quarter inch second clear plank; twelve thousand shingles.

**Frame for Privies.**—Three sills, sixteen feet long, six by six inches—one hundred and forty-four feet; two sills, six feet long, six by six inches—thirty-six feet; two sills, four feet long, six by six inches—twenty-four feet; four posts, eight feet long, five by five inches—forty-seven feet; two plates, sixteen feet long, three by five inches—forty feet; twenty-four studs, eight feet long, two by four inches—one hundred and twenty-three feet; six floor joists, ten feet long, two by six inches—sixty feet; eighteen rafters, eleven feet long, two by four feet—one hundred and thirty-two feet; total, six hundred and thirty-one feet.

Fifty-six feet flooring, one and a quarter inches thick; four hundred feet roof boards; four hundred feet parallel boards, eight feet long; two hundred and fifty feet parallel boards, twelve feet long; forty pieces battens, one by three inches, eight feet long; fifty feet one and a quarter second clear.

Two hundred pounds tenpenny nails; one hundred pounds eightpenny nails; fifty pounds twentypenny nails; sixty pounds fourpenny nails; two boxes glass, nine by fifteen; six pair butts, four by three; six dozen one and one half inch screws; six dozen three quarter inch screws; one and one half gross five eighths inch screws; two five inch mortice locks; two white mineral knobs; two door latches; one half gross clothes hooks.

Sixty-six perch stone; seven hundred bricks; two hundred and twenty-five yards plastering; three hundred pounds white lead; twelve gallons oil.

Prices of material and labor vary so greatly that it is impossible to give an accurate estimate of the cost of this design. The cost in ordinary times would not probably exceed two hundred and fifty dollars for the main building, and fifty dollars to seventy-five dollars for woodhouse.

## Specifications for Design No. 1.

**Foundations.**—The foundation walls are all to be built of good wall stone, well laid in good lime and sand mortar. Trenches are to be dug,

and the walls commenced below the action of the frost; all walls are to be one foot six inches thick, and to show one foot six inches above the grade, and the ground is to be properly graded around them. The walls are to be of same size as frame, so that the sills shall be even with the outside of wall. An extra wall is to be built through centre for the joists to rest on.

*Frame*.—The frame is to be well made, of the size described in the contract, and with partitions as shown in plan, and of good, straight, sound timber of the sizes described in the bill of materials accompanying. The sills are to be bedded in mortar, when placed upon the walls. All timbers designed for lath shall be placed sixteen inches from centre to centre; the floor joists sixteen inches from centre to centre; the rafters not more than two feet from centre to centre; and the timbers and girts for receiving the siding not more than four feet from centre to centre. All the corners of the building to be well braced. The ceiling joists are to be supported in the centre by stay laths attached to rafters.

All lumber to be used in the building is to be sound, of good quality, and thoroughly seasoned.

*Siding*.—The frame is to be covered with pine boards, one inch thick, not exceeding one foot in width, planed and matched. Each joint and the corners of the building are to be battened with battens two and one half inches in width and one inch thick, dressed with bevelled edges, and nailed to the sills, plates, and each girt.

*Roofs*.—The roofs are all to be boarded with sound pine or whitewood boards, laid with close joints and well nailed. They are to be shingled with good sound pine shingles, laid in courses five and one half inches to the weather, or in the same proportion if the shingles are more than eighteen inches in length; the ridges to be finished with saddle boards six inches wide, well nailed on, and the roof to project over the walls, at the end and eaves, two feet, the under side of the projecting parts to be covered with plank, matched and planed and let into the rafters; the edges to be finished with an Ogee moulding.

*Windows and Doors*.—The windows and doors are to be made of good casings, with plain bevelled mouldings on the inside, and with caps and pendants on the outside, as shown in the cut, Design No. 1. The doors to be good, strong panel doors, made of pine, one and three quarter inches thick, with not less than four panels in each door. The outside doors to be three feet by eight feet, and to be hung with three strong butts each, and furnished with strong locks; the inside doors two feet ten inches by eight feet, and hung with three butts each, and provided with good latches.

The windows of the schoolroom to be six in number, placed as in plan number one, to be twelve lights each of nine by fifteen glass, each sash to be movable, and to be provided with good fastenings. The front window to be a double or transom window of sixteen lights, nine by fifteen inch glass, and placed as in plan. All windows to be well glazed with good glass and well puttied.

*Floors*.—The floors are all to be laid of good, sound, planed and matched flooring not over eight inches in width, well blindnailed, each plank to each joist.

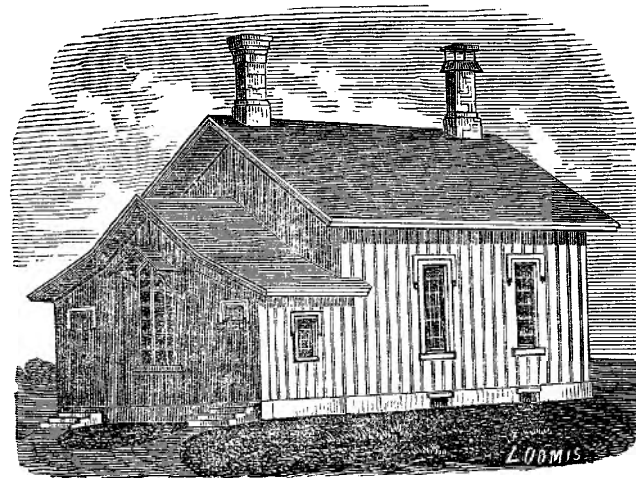
*Chimneys*.—The chimneys to be built of well burned brick, with two flues, one for the smoke and one for the foul air. The smoke flue to receive the pipe sixteen inches below the ceiling, and to be provided with an iron thimble; the foul air flue to receive the ventilating tubes above the ceiling, both flues to be smoothly plastered inside.

*Ventilation*.—Two ventilating flues, with a capacity of ten by twelve inches, are to be built as shown in plan, one on each side of the room, made of plank, well matched and the joints made perfectly tight, being put together with white lead and well nailed, and firmly fixed in the walls before plastering; the two flues to unite in the garret, and to enter the ventilating flue in the chimney with a tight joint; registers to be placed in each flue near the base and also near the ceiling.

*Ceiling*.—The schoolroom and entries are to be ceiled with good plaster. The schoolroom to have good base boards ten inches in width, well fitted to the floor, and the entries to be boarded up with matched boards to the height of four feet from the floor, and to be provided with two strips across the back end and side of each, with good wardrobe hooks one foot apart.

*Plastering*.—The plastering to be made of three coats of good mortar, made of new lime and clean sand and hair; to be even and level on the face, and in every respect put on in a workmanlike manner. The last coat to be of good hard finish.

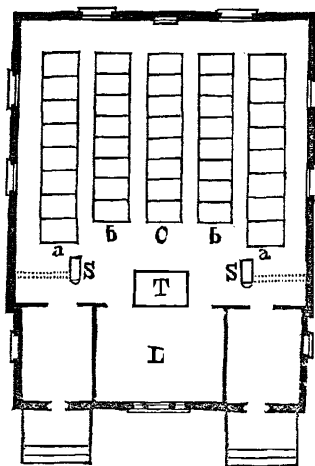
*Painting*.—The ceilings, base boards, wainscoting, windows, casings, and doors, and all the wood work in schoolroom and entries, except the floors, to be painted with three coats of pure white lead mixed with linseed oil; the outside of building to be painted in like manner with such shade of color as may be ordered.



DESIGN NO. 2—COUNTRY SCHOOLHOUSE.

This house is intended for the larger district schools in which there is often occasion to employ an extra teacher in the winter, or to have extra classes taught by some advanced pupil.

The main building is thirty feet by thirty feet, with thirteen feet from floor to ceiling. The front building, containing entries, etc., is twenty-eight feet by ten feet, with nine feet height of ceiling. The arrangement is shown in the following ground plan, No. 2:



Plan No. 2.

C is a middle row of small desks and seats, which may be removed in summer if not needed.

The space in rear of seats is three feet wide for classes, and the side passages are two and a half feet each. The aisles are two feet in width.

There is but one ventilating flue shown in the plan. It is situated in the middle of the rear wall of the building, and terminates in a ventilating chimney and cap on top of building as shown in Design No. 2. It would perhaps be better to make two, one in each rear corner of the room, and both uniting in the central flue above the ceiling. The blackboards should cover all the spaces in the front part of the room back to the first windows.

This will be found both an economical and convenient style of building for the larger rural districts. Its cost, in ordinary times, will not exceed seven hundred and fifty or eight hundred and fifty dollars.

#### *Bill of material for Design No. 2.*

Three sills, forty feet long, six by eight inches—four hundred and eighty feet; two sills, thirty feet long, six by eight inches—two hundred and forty feet; four posts, fourteen feet long, six by six inches—one hundred and twenty six feet; twenty window posts, fourteen feet long, four by four inches—three hundred and seventy-six feet; one hundred studs, fourteen feet long, two by four inches—nine hundred and thirty-three feet; sixty joists, sixteen feet long, two by ten inches—one thousand six hundred feet; thirty ceiling joists, thirty feet long, two by six inches—nine hundred feet; forty rafters, twenty feet long, two by six inches—eight hundred feet; twenty collar beams, eighteen feet long, one and one half by six inches—two hundred and seventy feet. Total—five thousand seven hundred and twenty-five feet.

One thousand eight hundred common inch boards; two thousand two hundred parallel boards, twelve inches wide, fourteen feet long; one hundred and fifty pieces battens, one by three inches, fourteen feet long; one thousand feet second clear two inch plank; six hundred feet second clear one and one quarter inch plank; one thousand two hundred feet second clear one inch boards; thirteen thousand shingles. Two hundred pounds

tenpenny nails; two hundred pounds eightpenny nails; seventy-five pounds twentypenny nails; seventy pounds fourpenny nails; fifty pounds eightpenny casing nails. Two boxes ten by sixteen glass. Nine pair butts, four by four inch; one gross one and one half inch screws; one gross three quarter inch screws; two mortice locks, five inch; two white mineral knobs; four door latches. Sixteen gallons linseed oil; four hundred pounds white lead. Fifty perch stone, for foundation; fifteen yards excavating; one thousand four hundred bricks for chimneys; three hundred and seventy-five yards plastering.

The specifications for Design No. 2 are so nearly like those of Design No. 1, already given, that it is not necessary to repeat them here.

[ E ]

## NEW SCHOOLHOUSES.

During the past two years nearly two hundred new schoolhouses have been erected in this State.

From the statistics and items furnished by the County Superintendents, I have made condensed abstracts, showing the names of the districts in which new schoolhouses have been erected, and the cost of building.

These districts have reason to be proud of their record. No section of this report shows more clearly the increased interest of the people in their public schools. The past two years may well be characterized as the "schoolhouse formation" of California.

### ALAMEDA COUNTY.

Rev. B. N. SEYMOUR.....Superintendent.

Alameda District has built a fine house, one story, with commodious rooms for two departments; cost of building and furniture, exclusive of lot, three thousand ninety-seven dollars and seventy-five cents.

Alvarado District made a small addition to a comfortable schoolhouse, at a cost of three hundred and eighty-two dollars and ninety-three cents.

Alviso District has just voted on a tax of two thousand dollars to build a new house. Have not heard whether the tax was voted.

Brooklyn District took the lead in the county, put up a fine two story house, with commodious rooms for three departments. Very much of the enterprise of building in the entire county is due to her example. Cost of house, furniture, and lot, five thousand two hundred dollars. Brooklyn has reason to be proud of its teachers as well as schoolhouse.

Eden Vale District has erected an elegant two story house, with a single room on each floor, the upper one not yet furnished; cost of house,

lot, and furniture, three thousand eight hundred and twenty-one dollars and fifty cents.

Encinal District has just voted a tax of two thousand dollars.

Mission Peak District has expended in building, one hundred and seventy-five dollars.

Mowry's Landing District expended in removing and repairing, one hundred and sixty-seven dollars and seventy-five cents.

Oakland is slowly waking up. She has expended for buildings in two years, two thousand four hundred and five dollars and sixteen cents, and has recently built a primary schoolhouse at a cost, including lot, of two thousand dollars.

Ocean View District voted a tax the past summer, but owing to a defect in the bounds of the district, failed to collect it.

Peralta made an effort for a tax of two thousand dollars, but it was voted down.

Pleasanton, a new district, has built a new house, costing five hundred dollars.

Sau Lorenzo has built a good house in a fine location; cost of house, lot, and furniture, three thousand nine hundred and eighty-six dollars and seventy cents. It is a perfect gem of a country schoolhouse.

The small district in Suñol Valley has built a cheap house, at a cost of three hundred and twenty-two dollars and seventy-five cents.

Tamiscal District voted a tax, and entirely remodelled their house, upholstered the seats, and made it elegant within and without, at a cost of nine hundred and eighty-five dollars.

Union District has built a very fine large two story house, suitable for three departments; cost, four thousand seven hundred and fifty dollars.

Warm Springs District raised by subscription six hundred and forty-eight dollars and fifteen cents, and built a new house; afterwards they voted a tax of eight hundred dollars to finish and furnish it, but failed to collect the money.

The total expenditures in two years for new houses in this county amounts to twenty-eight thousand dollars. Two years ago no county in the State, in proportion to its wealth, had more reason to be ashamed of its redwood libels on schoolhouse architecture; now, few counties can show so good a record. It is pleasant to know that a fine corps of competent teachers are at work in the new schoolhouses.

### ALPINE COUNTY.

L. S. GREENLAW.....Superintendent.

This new county has made a good beginning in organizing schools, having maintained four schools from three to six months each. One new schoolhouse has been built, at a cost of four hundred dollars. When mining stocks rule higher, and the mines pay better dividends, others will be built.

## AMADOR COUNTY.

DENNIS TOWNSEND.....Superintendent.

During the last two years, schoolhouses have been built in the following districts of Amador County, at the cost opposite each, respectively. For comparison, the last school census of each district is given:

Districts.	Cost of houses.	Number of school children.
Aqueduct City.....	\$150	34
Clinton.....	200	44
Franklin.....	200	55
Milligan.....	350	32
Oneida.....	200	36
Union Church.....	150	58
Van Winkle.....	400	22
Washington.....	1,000	88

Most of the above districts are newly organized. They are thinly settled, and not in circumstances to erect expensive school houses. For this reason the buildings, with a single exception, are of simple construction, though sufficient for the present wants of the several districts. They are all comfortable houses, of convenient form, properly seated, well lighted, and provided with blackboards.

The schoolhouse in Washington District is among the best in the county, though it cost less than some of those in the older and more populous districts. It was built by a district tax; the other five named were all built by subscription.

## BUTTE COUNTY.

ISAAC UPHAM.....Superintendent.

The new and thriving town of Chico has taken the lead in all the northern part of the State, by erecting a fine brick schoolhouse at a cost of five thousand dollars. It is two stories high, forty-two feet in length, by thirty-two feet wide; is ornamented with a belfry, well furnished with blackboards, and is pleasantly situated in a large and well fenced yard.

Leonard's Mill District has built a good schoolroom, in connection with a Good Templars' Hall. Cost of schoolroom, two hundred and seventy-five dollars.

Evansville has built a common frame house, which cost them four hundred and fifty dollars. This district is provided with a set of outline maps, blackboards, and other necessary apparatus.

Butte Valley has erected a very convenient and comfortable house, at a cost of six hundred dollars. It is well furnished with the common school apparatus.

The house at Morris' Ravine cost about four hundred dollars. Since the beginning of the present school year Live Oak has levied and collected a tax of one thousand dollars to build a new schoolhouse.

Some four or five other districts will probably do the same thing before the close of the year.

Oroville will probably soon erect a schoolhouse to cost from four to five thousand dollars.

The County Superintendent congratulates himself that while Butte County cannot boast of its school palaces, he is proud of a corps of faithful, capable, and hard working teachers, which cannot be excelled.

In this opinion the State Superintendent concurs, he having sent up there at Mr. Upham's request, a delegation of "Maine boys," which has proved that "down easters" have a "knack of keeping school." The State series of text books is used in every district in the county.

## CALAVERAS COUNTY.

W. C. MOSHER.....Superintendent.

Mokelumne Hill District has erected a fine schoolhouse of wood, plastered, having two rooms; desks and blackboards of most approved patterns. Cost, three thousand dollars.

At Copperopolis a new schoolhouse is nearly completed, costing upwards of three thousand dollars. It will have three rooms. Its architecture is fine. Thomas Hardy, Esq., gave fifteen hundred dollars towards its erection. The furniture will be of the best pattern.

At Petersburg a new schoolhouse has been built costing six hundred dollars.

Mosquito Gulch has a new schoolhouse costing three hundred dollars.

## RAISED BY DIRECT TAX.

Locality.	Amount.
Mokelumne Hill.....	\$3,966
Chile Gulch.....	700
West Point.....	745
Vallecito.....	600
Mosquito Gulch.....	400
Cave City.....	275
Negro Gulch.....	100
Total.....	\$6,786



## CONTRA COSTA COUNTY.

H. K. AVERY.....Superintendent.

No items of information furnished by the Superintendent. The citizens of Pacheco erected a fine two story house, well furnished and finished, at a cost of some three thousand five hundred dollars. It is an ornament to the town.

## EL DORADO COUNTY.

S. A. PENWELL.....Superintendent.

The City of Placerville has now two very good houses, that have been built and furnished at a cost of about two thousand seven hundred dollars.

Uniontown has built and furnished a good and commodious house, at a cost of about one thousand five hundred dollars.

Tennessee District lost a good house by fire, on which there was a heavy debt; but notwithstanding their indebtedness, they immediately erected another, at a cost of one thousand dollars.

Blair's District is composed of two weak districts united. Since the union a very fine schoolhouse has been erected and furnished, at a cost of about two thousand dollars.

Latrobe has built a good house; and in Clarksville a very comfortable house has been commenced, but not yet finished.

In all these districts, with one exception, the Trustees and a few of the more enterprising individuals have been compelled to contend against that class who think anything good enough for a schoolhouse. In some places, where the most miserable sheds were used, Trustees had every abuse heaped upon them for throwing away the people's money in building a fine new house when the old one would do.

In Cold Springs the Trustees built a small house, and then built an addition to it, and yet have not room enough; and although enough has been expended to build a convenient house, they have neither room nor convenience.

Our schoolrooms have been improved in appearance, and our schools rendered more efficient by the introduction of maps and charts, and other apparatus. In a few instances, measures have been taken to procure school libraries, but the want of money in most places renders it necessary to make one improvement at a time, so but little has yet been done in furnishing libraries.

The law giving the Trustees power to levy a tax for the support of a five months' school has had a good effect in this county. It has increased the number of months during which school has been taught in the smaller districts, and has procured a better attendance at school. Many parents who would not send their children to school when there was a rate bill, have sent all the time when the tax was levied, as they wished to get the benefit of the money they had paid.

We have in this county some ten or twelve very good male teachers, and four or five female teachers, who make teaching their business—

who spend their time and money in fitting themselves for this as a business. We have also a number of girls and men who are teaching till something else turns up, who neither fit themselves for their work nor give their minds to it while engaged as teachers. This class is quite as likely to find employment as any other, for they do not hesitate to underbid others. And many Trustees seem to think that some man or woman who can keep the children in the schoolhouse will "do" for their school, and so always take the one who offers to take the lowest wages.

## FRESNO COUNTY.

S. H. HILL.....Superintendent.

Scottsburg District built a house eighteen by twenty-four feet, comfortable, but of an ordinary appearance; cost, two hundred and fifty dollars.

Hazleton District erected a similar house; cost, two hundred and fifty dollars.

Kingston District is now erecting a frame school house, eighteen by twenty-four feet, the design, furnishing, and finishing displaying good taste; cost, four hundred dollars.

Lake District designs building during the next school year.

All the schoolhouses in the county have been built by subscriptions.

## HUMBOLDT COUNTY.

W. L. JONES.....Superintendent.

Three new schoolhouses have been built during the past two years, at a total cost of six hundred and eighty-five dollars.

## LAKE COUNTY.

WILLIAM R. MATHEWS.....Ex officio Superintendent.

Lower Lake District built a new schoolhouse within the last year, a wooden building, but very substantially built, well adapted to the purpose for which it is intended; conveniently and well furnished with seats and desks. Size of building, twenty-four by thirty-six feet. It is decidedly a credit to the taste and enterprise of the district. Cost of building and furniture, eight hundred dollars.

Excelsior District has built a wooden building of ample dimensions, conveniently furnished with desks, seats, and tables, and nicely finished. Cost of building and furniture about five hundred dollars.



The districts above named are the only ones in which buildings worthy the name of schoolhouse have been erected within the last two years. There is a good prospect, however, that within the present school year there will be erected in at least two other districts in the county, good and convenient schoolhouses that will reflect honor and credit upon the districts.

## LASSEN COUNTY.

A. A. SMITH.....Ex officio Superintendent.

There are five districts in this county that have erected schoolhouses in the last two years, viz:

Susanville District. Cost nine hundred and thirty-six dollars. Good size, and well furnished; blackboards, and a set of Pelton's outline maps.

Susan River District. Rather small and not very well furnished house; cost four hundred dollars.

Lake District. Small, but very well furnished house, well finished inside and out; cost four hundred and forty-two dollars.

Milford District. Good size, and very neatly finished; just completed at a cost of nine hundred and thirty-seven dollars.

Soldiers' Bridge District. Just organized, but have a very neat schoolhouse, erected at a cost of seven hundred and fifty dollars.

Richmond District has a good, commodious house in process of erection, built by subscription, to cost one thousand dollars.

## LOS ANGELES COUNTY.

L. J. ROSE.....Superintendent.

Wilmington District has built an elegant brick schoolhouse, which is well furnished and finished, at a cost of about two thousand dollars. It was built by subscription, and speaks well for the liberality and energy of the community. Wilmington is a new district, and took its first census last July.

El Monte District erected a good frame building containing two rooms, one for the primary and the other for the grammar department. It is furnished with good desks, etc., and cost altogether about twelve hundred dollars. It was built by the County Fund.

San Gabriel District built by private subscription and County Fund a very pleasantly situated and cheerful schoolhouse, well ventilated and lighted, and supplied with substantial desks. Cost, about six hundred dollars.

Los Angeles District is now building a new schoolhouse which will accommodate about sixty scholars. It will be a tasty building of stone and brick, with modern conveniences and improvements. Built with County Fund. The schools of this city are in good condition.

## NAPA COUNTY.

ALFRED HIGBIE.....Superintendent.

*Suscol District, No. 1*—House twenty-six by forty, sixteen feet in clear; outside white; windows furnished with blinds; inside plastered, and wainscotted throughout main room, recitation room, and the two anterooms; wainscoting grained; Easton's seats; will seat seventy-five; blackboard sixty-five by four and one half feet. Cost, lot included, (two acres,) one thousand seven hundred and twenty-eight dollars. Cost of maps, charts, and globes, fifty-two dollars and fifty cents.

*Franklin District, No. 2*—House, wood, very neat and comfortable; twenty by thirty, twelve feet in clear; Holt's seats; will seat thirty-five. Cost, lot donated, (two acres,) five hundred and fifty dollars; painted white.

*Saint Helena District, No. 10*—House, wood; main building thirty-nine by forty-three, sixteen feet in clear; cottage front for recitation room and anterooms, twelve by thirty-nine, twelve feet in clear. Primary department in rear, twenty by thirty, twelve feet in clear. Outside light drab; inside plastered and wainscotted throughout; wainscoting grained; blackboard seventy-five by four and one half feet. Good lot (two and one half acres,) good outhouses, good well, etc. Easton's and Holt's seats; will seat one hundred and twenty-five. Cost four thousand and fifty dollars. Cost of globe, maps, etc., fifty dollars.

*Chiles District, No. 15*—House, wood, neat and comfortable, twenty by thirty; outside dark drab; windows furnished with green blinds. Holt's seats; will seat forty-five. Cost, lot included, (one acre,) eight hundred dollars.

*Cherry Valley District, No. 15*—House, wood, comfortable; eighteen by thirty, plain. Seats made in district, very good. Cost, (most of work donated,) two hundred and fifty dollars. Cost of maps and charts, thirty-five dollars.

*Soda Cañon District, No. 19*—House, wood, very neat and comfortable; twenty-two by thirty-four, and twelve feet in clear. Holt's desks; will seat forty-five. Outside white; inside plastered and wainscotted; wainscoting grained; blackboard, thirty-six by four feet. Cost, lot included, (one acre,) eight hundred dollars.

*Buchanan District No. 8*—This is the district that refused last year to have a school, because the teacher was required to take the oath of allegiance. They levied a tax of two thousand dollars for a new schoolhouse. It is now progressing to completion. "Progress" may be written over the door of this new school edifice.

### RECAPITULATION.

Suscol District, No. 1.....	\$1,780 50
Franklin District, No. 2.....	550 00
St. Helena District, No. 10.....	4,100 00
Chiles District, No. 14.....	800 00
Cherry Valley District, No. 15.....	285 00
Soda Cañon District, No. 19.....	800 00
Buchanan District, No. 8.....	2,000 00
Total.....	\$10,315 50

## PLUMAS COUNTY.

A. S. TITUS.....Superintendent.

Taylor District has erected, at a cost of two thousand one hundred dollars, a good brick house, well furnished with desks and blackboards. The Superintendent says: "It was built by tax, and made a big muss." The Trustees were evidently guilty of the same kind of extravagance as the Boards of Education in some of the cities. The fact is, about building houses, the common people are carrying out democratic republican notions. A general "muss" in some other parts of the State will soon happen.

## SACRAMENTO COUNTY.

SPARROW SMITH.....Superintendent.

During the past year there have been six new schoolhouses built, all of good size, and well provided with desks and blackboards. One at the corner of G and Seventh streets in Sacramento—a large two story brick building—at a cost of twelve thousand dollars, with rooms upon the lower floor for an intermediate and primary department, while the second story is occupied by the high school. One in San Joaquin No. 3, at a cost of one hundred dollars; one at San Joaquin No. 4, costing seven hundred dollars; one at Freeport, costing seven hundred dollars; one at Pacific, costing one thousand dollars; one at Davis, built by private subscription, and costing four hundred dollars; one built in the southern part of Franklin, by private subscription, costing about four hundred dollars; and one just completed in the lower part of Walnut Grove, built by subscription, costing about seven hundred dollars. Each of the first four have entry ways, and closets for dinner baskets, and libraries. Only the one at San Joaquin No. 3 is completed. This is plastered and hard finished, and is a very neat and comfortable building. All are built of wood. In two districts the school buildings have been completed. In San Joaquin No. 2 the walls were plastered and hard finished, and desks and woodwork inside grained and varnished, making the best finished school building outside the city. At American River the house has been ceiled, and a good substantial fence erected, inclosing ample playgrounds, with locust trees set about the entire lot. In the Lincoln, Sutter, and Elder Creek Districts, taxes have been voted and mostly collected for the purpose of completing the school buildings and providing suitable desks. In Richland a tax of eight hundred dollars has been voted for building a new schoolhouse in the place of one carried away during the great flood. In the Franklin and Pleasant Grove Districts new and comfortable desks have been provided.

## SAN JOAQUIN COUNTY.

MELVILLE COTTLE.....Superintendent.

The City of Stockton erected last year the finest schoolhouse in the State next to the Lincoln and Denman buildings in San Francisco, a wood cut of which is given in this report. It cost, including furniture, sixteen thousand dollars. If San Francisco can justly be charged with extravagance in building the Lincoln Schoolhouse, Stockton must come in for a double share of condemnation for a lavish expenditure without precedent in the State. The city is not likely to be ruined by it, however, as the public schools are high in popular favor. The Board of Education and the Building Committee have no reason to be ashamed of their work. Linden District has voted a tax for building a house at a cost of two thousand dollars. Everett District has voted a tax of eight hundred dollars for the same purpose. Union District is building by subscription a second house at a cost of one thousand dollars.

## SAN MATEO COUNTY.

W. C. CROOK.....Superintendent.

Redwood City voted a tax, and erected a schoolhouse at a cost of four thousand eight hundred and fifty dollars, on a lot donated by Honorable Horace Hawes. The house is built of wood, two stories high, designed for high school, grammar, and primary departments, and capable of accommodating two hundred and fifty pupils. It is neat in its architecture, well planned, and well furnished.

The school is well taught by experienced teachers, and worthy of the new house.

Belmont District has built a new house at a cost of six hundred dollars.

## SANTA CLARA COUNTY.

WESLEY TOMER.....Superintendent.

Alviso District year before last built a new schoolhouse, and furnished it with the Rankin desk; the grounds are inclosed with a good fence. Cost, one thousand seven hundred and thirteen dollars and thirty-one cents.

Burnett District last year built two houses, but they are rather cheap affairs, as they both cost less than one thousand dollars.

Cambrian District last year erected a very neat, substantial, and comfortable house, which is also furnished with the Rankin desk. The house and furniture cost one thousand two hundred and twelve dollars and

ninety-one cents. During the present year apparatus has been furnished at a cost of sixty dollars.

Hamilton District during the present year has moved, repaired, and fitted up house and grounds at a cost of about four hundred and seventy-five dollars.

Lexington District has also this year made its schoolhouse more comfortable, at a cost of one hundred and two dollars.

Los Gatas District last year built a schoolhouse at a cost of two hundred dollars.

Milpitas during the present year has fitted up and painted the schoolhouse, at an expense of one hundred dollars.

Mountain View District, last year, to make room for more scholars, and to have a graded school, enlarged schoolhouse at an expense of three hundred dollars.

Mayfield District has graced the little village of Mayfield by putting up the finest schoolhouse in the county—expense of same, two thousand nine hundred dollars.

Orchard Street District, after holding school several years in a little shanty, with about a dozen scholars, finds, on completing a splendid little schoolhouse lately, to be able to fill the same with more than three dozen scholars. Cost of house, one thousand four hundred and fifteen dollars and seventeen cents.

San José District, to supply the present demand for more room, has recently put up a neat and commodious building, costing one thousand dollars. The time is doubtless not far in the future when San José will boast of a twenty-five thousand dollar schoolhouse.

Summit District last year built a little schoolhouse, costing two hundred dollars.

Union District has improved, moved, and repaired schoolhouse, at about one thousand dollars expense.

Willow Glen District, in harmony with a pretty name, has built a pretty schoolhouse this year, finished and furnished in good style, at a cost of one thousand one hundred dollars.

Laguna District, recently formed from Calaveras, has built a new house at an expense of three hundred and fifty dollars.

Mount Pleasant, a new district in the hills east of the valley, has built a little house costing about one hundred dollars.

Pala District, formed from Jackson and Berryessa, has built a neat little house costing about eight hundred dollars.

Rhodes', a new district, has also expended one hundred dollars in putting up a new schoolhouse.

The new houses that have been built during the last two years have nearly all been furnished with the Rankin desk. Quite a number of the old houses are *lumbered* with old fashioned, homemade desks, to the discredit of the old people and discomfort of the young people.

There are forty-three school districts in this county in working order. A few schoolhouses are furnished with maps, charts, and globe; some have charts, and no maps and globe; while others are destitute of everything in the shape of apparatus.

San José District and Santa Clara District deserve special mention for a liberal tax sufficient to make their schools free, and for thus sustaining them ten months in the year. Among others that have kept school open nine and ten months, are Berryessa, Cambrian, Gilroy, Hamilton, Evergreen, Mayfield, Hill, and New Almaden.

## SANTA CRUZ COUNTY.

P. Y. COOL.....Superintendent.

The new and thriving Town of Watsonville has the finest house in the county, built at a cost of five thousand dollars. It is an ornament to the town, and a credit to the people. The Town of Santa Cruz voted a tax of eight hundred dollars for enlarging and repairing the schoolhouse, which has one of the most beautiful locations in the State.

Carlton District has built a house at a cost of seven hundred and fifty dollars.

Pescadero District built a house at a cost of seven hundred dollars.

Soquel District built an addition to the former neat house at a cost of eight hundred and fifty dollars.

## SOLANO COUNTY.

GEORGE W. SIMONTON.....Superintendent.

The Town of Vallejo voted a tax of two thousand dollars, without a dissenting vote, for the purpose of enlarging the schoolhouse and maintaining school. The schoolhouse, as enlarged, consists of three good rooms, well seated, and accommodating one hundred and fifty pupils.

The Town of Suisun has erected a neat, well finished, and well furnished house, at a cost of one thousand seven hundred and fifty dollars.

American Cañon District built a small house, at a cost of about two hundred dollars.

## SONOMA COUNTY.

C. G. AMES.....Superintendent.

*Bloomfield*—Two story, wood, well finished and furnished; will accommodate one hundred and fifty pupils. Built by tax; cost two thousand five hundred dollars.

*Bodega*—Rough wood house, comfortably seated; will accommodate sixty pupils; cost five hundred and fifty dollars.

*Cinnabar*—One story, wood; handsomely furnished outside and in; Holt's patent seats and desks; plenty of blackboard painted white. Built by tax, and cost eight hundred and fifty-six dollars.

*Court House*—Two story, wood; for graded school; stone foundation, forty-one and three fourths feet wide, by forty-six and one fourth feet long; elegantly finished on inside, and handsomely finished on outside; well ventilated; lower rooms of equal dimensions, eleven feet high; upper story, one large room, and one small one for library and apparatus, thirteen feet high, well lighted; blackboards entirely round the room. The people who have fought for it for the past three years are

well pleased. It will seat two hundred pupils, and will cost, when furnished, about six thousand dollars. Two acres of ground inclosed, which, when adorned with trees and shrubbery, will look extremely well. Built by tax.

*Coleman Valley*—Rough wood house; comfortable; decently seated; will accommodate thirty or forty pupils; cost two hundred dollars.

*Guillicos*—Will accommodate thirty or forty pupils; cost two hundred dollars.

*Healdsburg*—Bought redwood house for primary department. Can't boast of it in any way. Cost three hundred dollars.

*Laguna*—One story, wood; pretty good; cost six hundred dollars.

*Lake*—One story, wood; pretty good; cost four hundred dollars.

*Manzanita*—One story, wood; tolerable; cost two hundred and fifty dollars.

*Mountain*—One story, wood; tolerable; cost two hundred and fifty dollars.

*Oriental*—One story, wood; tolerable; cost two hundred and fifty dollars.

*Occidental*—One story, wood; small and rough; cost one hundred and fifty dollars.

*Prescott*—One story, wood; more than average; will seat fifty pupils; cost six hundred dollars.

*Scotta*—One story; quite comfortable and well seated; will accommodate thirty pupils; cost three hundred and twenty dollars.

*Steuben*—One story; nicely finished and painted, but not well seated; cost one thousand dollars.

## STANISLAUS COUNTY.

GEO. W. SCHELL.....Superintendent.

Branch District has erected a new schoolhouse in the village of La Grange, at a cost of one thousand dollars. This was done during the last school year, and principally through the efforts of a live Yankee school teacher, by the name of George F. Cheshire. Mr. Cheshire was a soldier in Uncle Sam's army, faced rebel bullets and bayonets, and was under General Grant at the taking of Fort Donelson. He is the right kind of a teacher; he is the incarnation of such stuff—not as dreams are made of, but as good teachers are made of.

Bachelor Valley District erected, within the past two years, a new schoolhouse, at a cost of seven hundred dollars, including furniture.

Several other districts have made improvements on their schoolhouses, or expended money for furniture and apparatus.

## TUOLUMNE COUNTY.

JOHN GRAHAM.....Superintendent.

*Springfield District*.—The Trustees purchased a good brick church, furnished it with good desks, fitted up the house, and surrounded it with trees. It is now one of the most convenient schoolhouses in the county.

*Jamestown District*.—The citizens are building a house, which will cost one thousand two hundred dollars, to take the place of their former house, which was burned last year.

*Poverty Hill District*.—This little district, in spite of its name, has built a neat house, at a cost of seven hundred dollars.

*Curtis Creek District*.—built a small temporary house, at a cost of one hundred and thirty dollars.

*Confidence Creek District*.—small house, at a cost of one hundred and twenty-five dollars.

## TULARE COUNTY.

M. S. MERRILL.....Superintendent.

Three new schoolhouses built. No items.

[ F ]

## COLLEGES, COLLEGE SCHOOLS, AND SEMINARIES.

These institutions form an important part of the educational system of the State. In many States all incorporated institutions are required to report annually to the Departments of Instruction; but in this State the law does not require it, and no summary of private institutions has ever been published in the annual reports of the State Superintendent.

For the purpose of securing for this biennial report some general information concerning such institutions at the close of the school year, the following circular was issued, accompanied by a statistical blank:

"STATE OF CALIFORNIA, DEPARTMENT OF PUBLIC INSTRUCTION, }  
"San Francisco, ———, 186—."

"To ———."

"In the great work of education, the private institution of learning and the public school are honored allies; each aiding the other, and each, to a certain degree, depending upon the other. I desire to recognize this fact in my next annual report from this department. Will you have the kindness to aid me in this endeavor by furnishing, at the earliest possible time, the information respecting the institution over which you preside indicated in the accompanying blank? Please add to the statistical report a brief statement of the history and success of the institution. I shall be pleased to receive also a copy of your last annual catalogue.

"Very truly yours,

"JOHN SWETT,  
"Superintendent of Public Instruction."

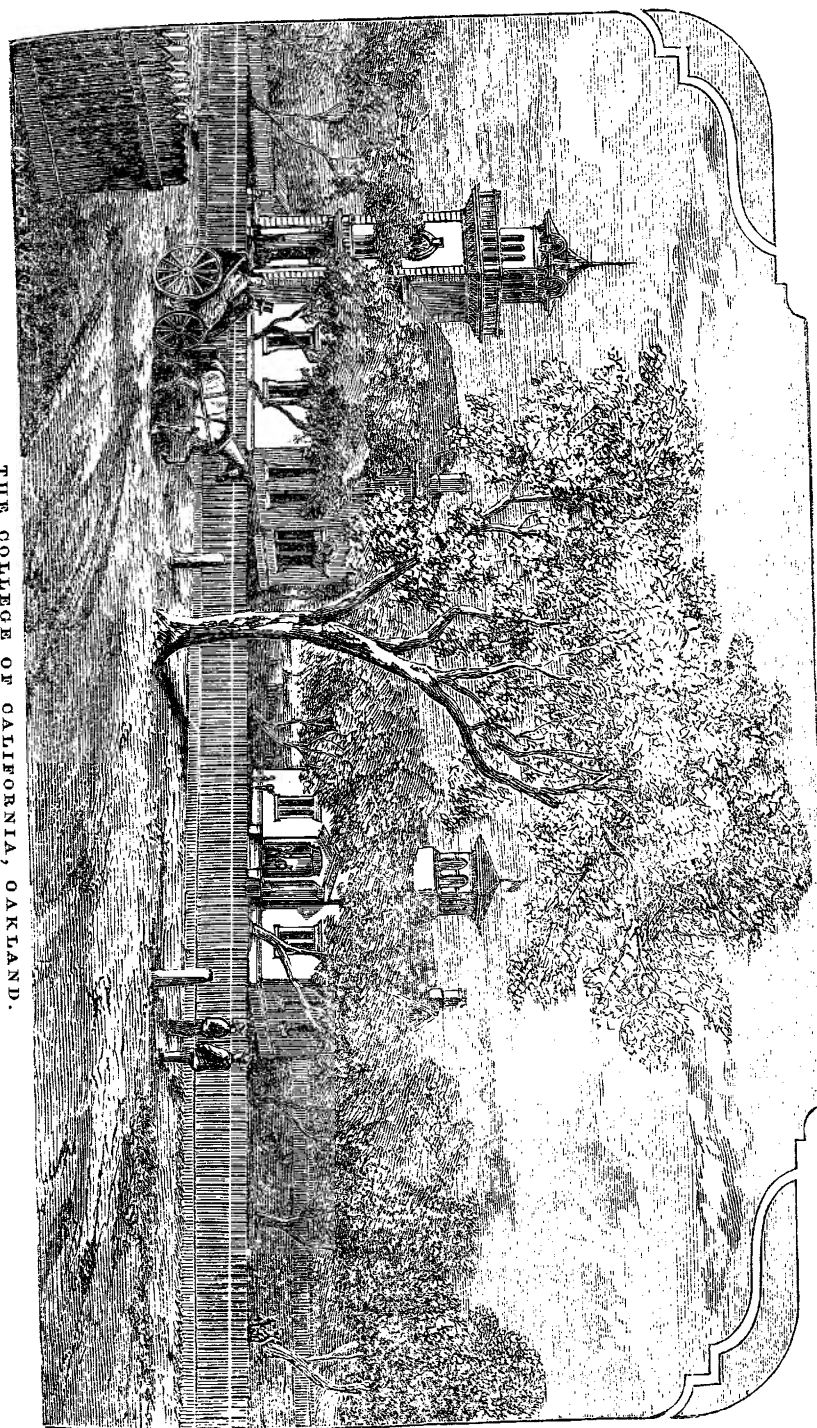
Some of the incorporated schools have replied, others have not.

Several of the colleges and college schools have furnished wood cuts of their buildings, and all were invited to do so.

The information contained in this appendix is not so full as could be desired, but is still very valuable.

I make the suggestion that, as the property of incorporated colleges and schools is exempted by the State from taxation, it would not be unreasonable to require them to make an annual statistical report to the Department of Public Instruction.

THE COLLEGE OF CALIFORNIA, OAKLAND.



## COLLEGE OF CALIFORNIA.

The College of California is an institution designed by its founders to furnish the means of a thorough and comprehensive education, under the pervading influence and spirit of the Christian religion.

The idea of establishing it was cherished by its friends from eighteen hundred and forty-nine to eighteen hundred and fifty-three. Then the preparatory department was commenced. In eighteen hundred and fifty-five, the college was incorporated. In eighteen hundred and sixty, the College Faculty was appointed, and the college organized. In that year the first class was admitted from the preparatory school. A class has been admitted each year since; and classes have graduated in eighteen hundred and sixty-four and eighteen hundred and sixty-five.

The course of study is fully as extensive as in the oldest colleges in the Eastern States.

The terms of admission are the same as there—requiring three years of preparatory study. The classes in college are taught separately through the whole course, as is usual in colleges. As yet the classes are small, as they are apt to be in a new country; but there is some advantage for the time being in this to the students, inasmuch as they receive a larger share of the time and instruction of the Professors.

There needs to be a more general interest awakened in respect to a classical education amongst us, and the opening of a larger number of preparatory schools or academies, in order to bring forward the bright boys of the State and lead them to pursue a course of liberal education.

The college is not sectarian in its character. It has as yet no endowments or invested funds. It has, therefore, been maintained by the contributions of the business men of the State, and by its tuition income.

It has good buildings, sufficiently large to accommodate the institution for some years to come, and some hundreds of acres of valuable land that will be available for an income hereafter. A portion of this land is set apart as the future site of the college. At the request of the Board of Trustees, a survey of it has been made by Fred. Law Olmsted, Esq. He has proposed a plan of laying out the grounds, and improving them by planting trees and shrubbery, constructing roads and avenues, and distributing water from the sources, which are not distant, but are high up in the adjacent hills.

The plans for these improvements are already matured, and will be carried out as fast as the means at hand will allow. When they are sufficiently advanced, the college will be removed, and be established where it is to remain.

The expense of a college course at this institution is not necessarily greater than at the Eastern colleges. To those who are willing to practice economy in their expenses, the cost may be brought within from two hundred to two hundred and fifty dollars a year.

## CORPORATION :

*President of the Board*—Frederick Billings, Esq.

*Trustees*—Hon. Sherman Day, Rev. Samuel H. Willey, Rev. E. B. Walsworth, Edward McLean, Rev. Joseph A. Benton, Rev. Henry Durant, Robert Simson, Esq., R. H. Waller, Esq., Ira P. Raukin, Rev. L. Hamilton, William Norris, R. B. Swain, Thomas Hardy, R. B. Woodward,



William Sherman, Anson G. Stiles, William Alvord, Gerritt W. Bell, W. C. Ralston, Rev. Horatio Stebbins, J. W. Stow.

*Secretary*—Rev. Samuel H. Willey.

*Treasurer*—W. C. Ralston.

#### FACULTY AND TEACHERS :

*Vice President*—Rev Samuel H. Willey, M. A.

Rev. Henry Durant, M. A., Professor of the Greek Language and Literature.

Rev. Martin Kellogg, M. A., Professor of the Latin Language and Literature.

Rev. Isaac H. Brayton, M. A., Professor of Rhetoric, Belles Lettres, and the English Language.

Rev. Francis D. Hodgson, M. A., Instructor in Mathematics and in Natural Philosophy.

William P. Gibbons, M. D., Lecturer in Physiology.

Charles L. Des Rochers, Teacher in French.

S. S. Sanborn, M. A., Teacher in German.

E. B. Higgins, Teacher in Vocal Music.

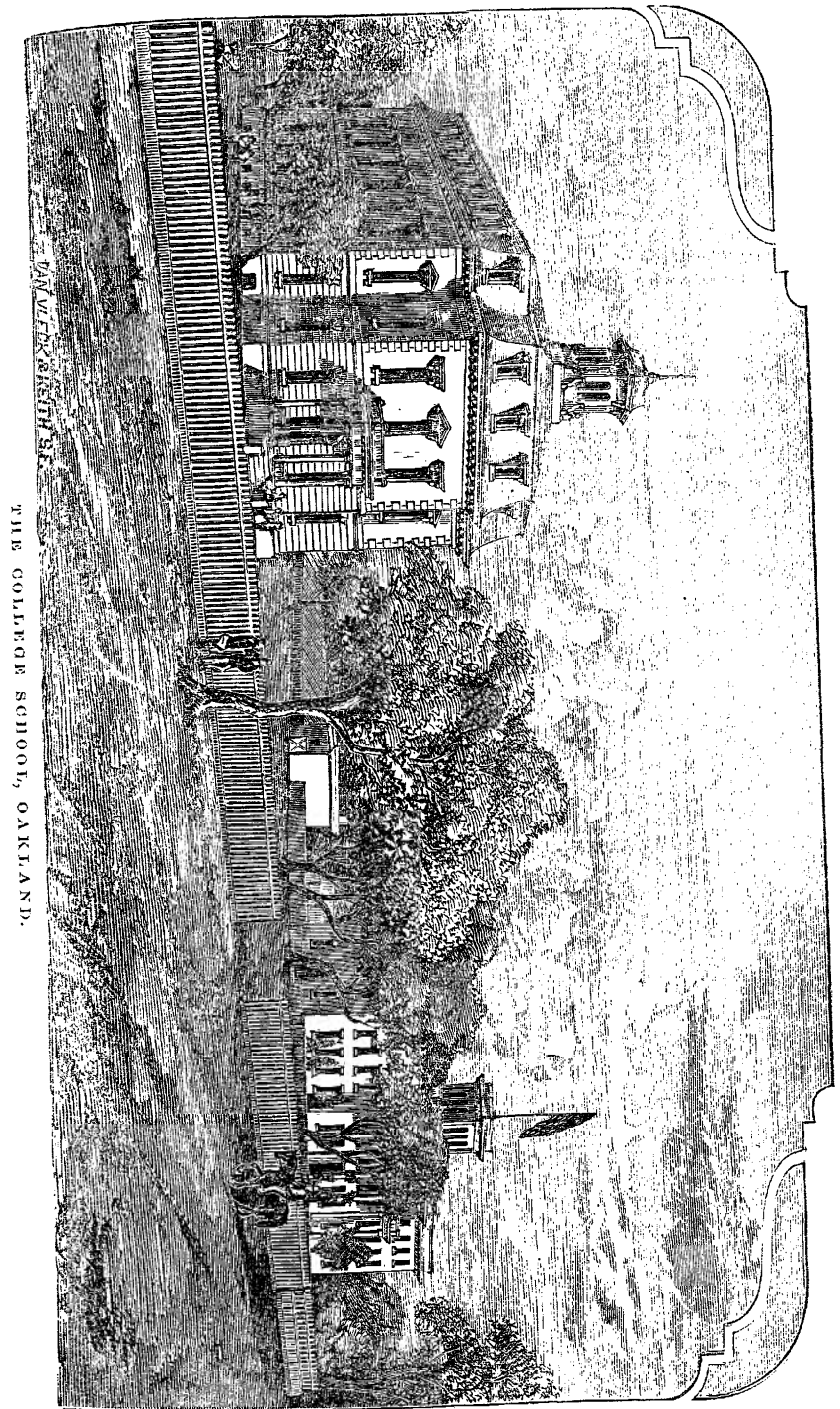
#### REPORT

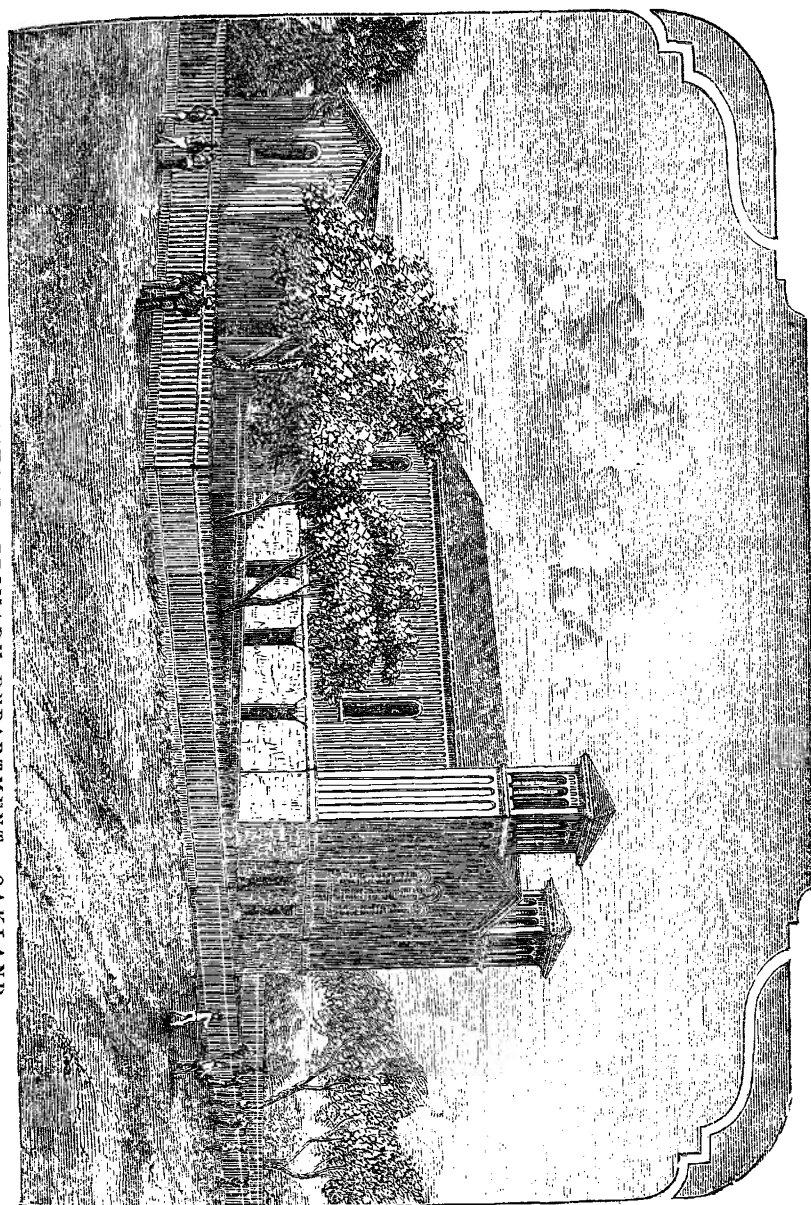
*Of the Vice President of the College of California to the Superintendent of Public Instruction, for the scholastic year 1865-'66.*

Name of institution—The College of California. Location—Oakland. Alameda County. Name of Vice President—S. H. Willey. Established in eighteen hundred and fifty-three. Incorporated in eighteen hundred and fifty-five. Number of regular professors or teachers—five. Whole number of students in attendance during the year—thirty. Average number of students belonging during the year—thirty. Number of years occupied in completing the regular or classical course—four. Number of students pursuing the several courses of studies during the year—thirty. Number of graduates in regular course in eighteen hundred and sixty-four and eighteen hundred and sixty-five—four. Whole number of graduates in regular course since the institution was founded—eight. Number of months in college or school year—ten. Cost of tuition per year—eighty-five dollars, average. Estimated yearly expenses of student, including board—two hundred dollars to three hundred and fifty dollars. Number of volumes in library—one thousand. Value of apparatus—one thousand dollars.

Believed to be a correct statement.

S. H. WILLEY,  
Vice President, College of California.





THE COLLEGE SCHOOL.—PRIMARY DEPARTMENT—OAKLAND.



## OAKLAND COLLEGE SCHOOL.

The founders of the College of California, designing to establish a college, found it necessary to begin with the preparatory school in order to secure classes sufficiently advanced to pursue college studies. The commencement was made in the early part of the year eighteen hundred and fifty-three, under the labors of the Rev. Henry Durant, formerly an instructor in Yale College. Upon the formation of college classes, of young men who had attained the grade of preparation requisite for the best eastern colleges, the labors of Prof. Durant were bestowed thenceforth upon the college classes alone; and Rev. I. H. Brayton became Principal of the preparatory department. Since eighteen hundred and sixty, this department has furnished to the college regular classes, the largest of which, consisting of fifteen students, was entered at the last commencement, in June, eighteen hundred and sixty-five.

The work of the college school has been by no means limited to the preparation of students for the college classes. It is a large institution in itself, with several distinct departments, employing ten instructors, and having an average attendance of one hundred and fifty students. More than half this number are boarding pupils from different parts of California and the adjacent States.

The institution has earned a reputation for the excellence of its teachers and for thorough scholarship. The course of studies is liberal, embracing the classics, the modern languages, mathematics, surveying and engineering, commercial branches, the natural sciences, mental philosophy, rhetoric, history, and in general the studies of the most thoroughly furnished academies in the Eastern States.

The accompanying engravings, from photographs, convey an accurate impression of the buildings and grounds, which adjoin those of the college. The principal school building is a hundred feet in length by sixty in breadth. The third story is devoted to dormitories. The school rooms in this building are spacious and pleasant. The entire building is warmed from a furnace in the basement. The adjoining building, a hundred and ten feet in length, is the home of the boarding pupils, who occupy separate rooms in the second and third stories.

The second engraving represents the school building of the primary department for boys under twelve years of age, who also have their separate playground.

The school is provided with a large bath house, where water in abundance is raised and heated by steam. It has, also, a gymnasium. The playgrounds are large and pleasant; the location is healthful. The Principal states in his report to the State Superintendent that no case of death, or even of severe illness, has occurred among any of the boarding students while in attendance upon the institution, during the period of his connection with it, more than six years.

The school is under the care of the College Board of Trustees, and equally unsectarian in its character. In its business management, it is distinct from the college.

## FACULTY :

Rev. Isaac H. Brayton, A. M., Principal, Mental Philosophy, Rhetoric, and History.

Henry Carver, A. M., Associate Principal, and Professor of Surveying and Civil Engineering.

Frederick M. Campbell, Assistant Principal, and instructor in Natural Philosophy, Bookkeeping, etc.

Rev. Francis D. Hodgson, A. M., instructor in Natural Science and Higher Mathematics.

S. S. Sanborn, A. B., the Latin, Greek, and German Languages.

William C. Dodge, Mathematics and English branches.

Paul Garin, (University of Paris) the French and Spanish Languages.

J. E. Kennedy, Principal of the Primary Department.

Charles L. Des Rochers, Drawing and Painting.

Mr. and Mrs. E. B. Higgins, Vocal and Instrumental Music.

Frank M. Dodge, teacher of Penmanship.

Morris S. Campbell, Stationer and Accountant.

## REPORT

*Of the Principal of the Oakland College School to the Superintendent of Public Instruction, for the scholastic year ending December 21, 1865.*

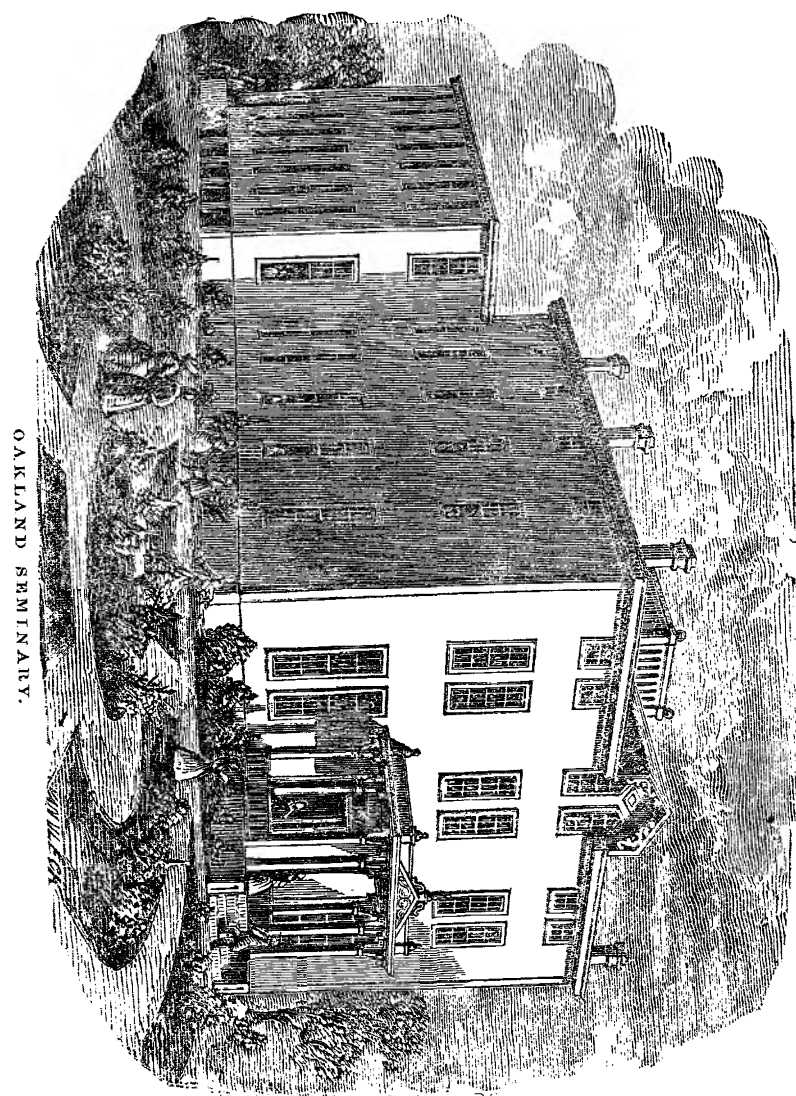
Name of institution—Oakland College School. Location—Oakland. Name of Principal—I. H. Brayton. Established in eighteen hundred and fifty-three; included in the charter of the "College of California." Number of regular professors or teachers—male, ten. Average number of students belonging during year—one hundred and fifty. Number of months in college or school year—ten. Cost of tuition per year—forty dollars to sixty dollars. Estimated yearly expenses of student, including board—three hundred dollars to three hundred and fifty dollars. No library or apparatus distinct from the library and apparatus of the college. Value of buildings, grounds, etc., fifty thousand dollars.

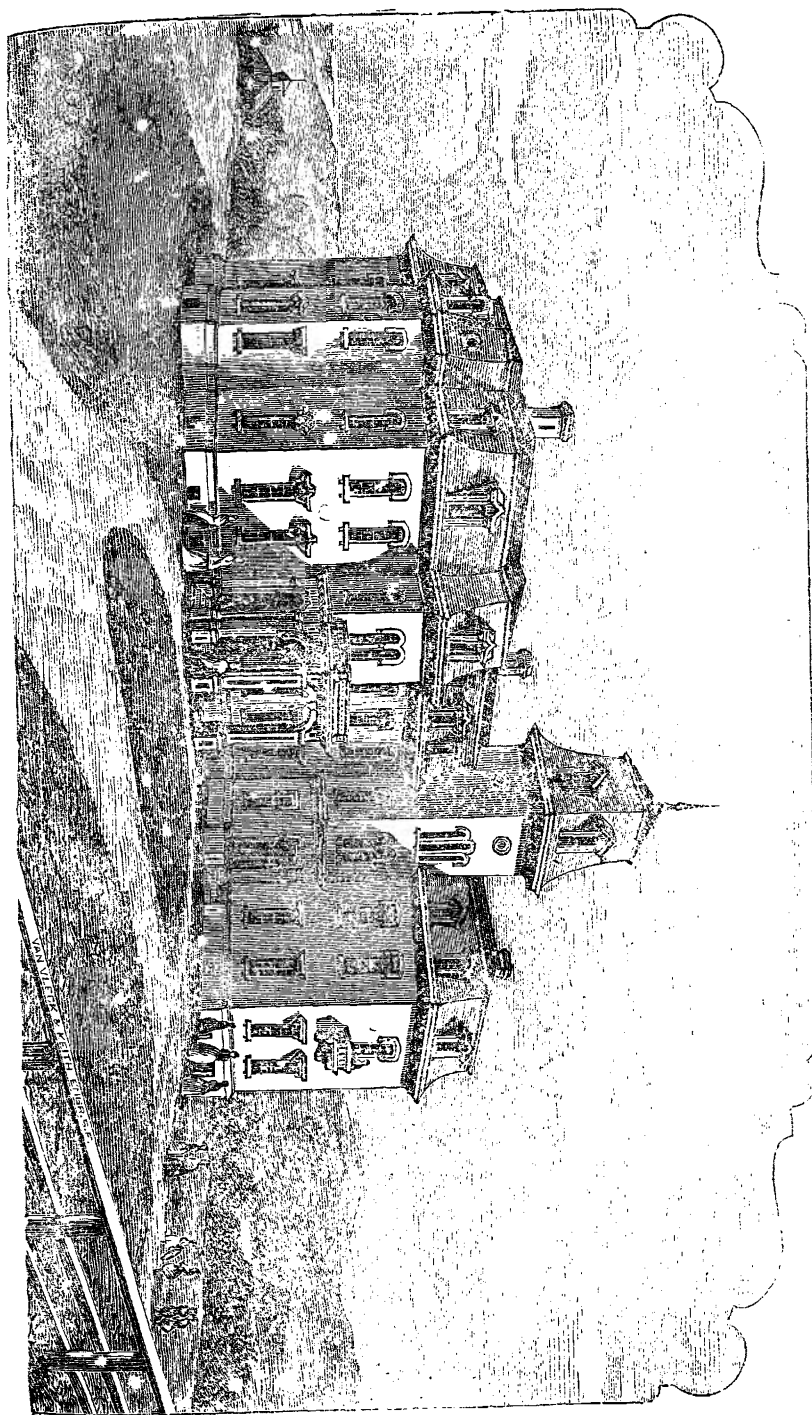
Believed to be a correct statement.

I. H. BRAYTON.

## OAKLAND SEMINARY.

This school, located at Oakland, was established in eighteen hundred and sixty-three. It numbers about seventy-five pupils, and is designed exclusively for young ladies. The building is large and convenient, and pleasantly situated. The school is divided into primary, preparatory, and collegiate departments. Board and tuition in regular course, thirty-three dollars per month. Mrs. G. M. Blake is the founder and Principal of the school.





PACIFIC FEMALE COLLEGE, OAKLAND.

## PACIFIC FEMALE COLLEGE.

This institution, situated one mile from the City of Oakland, was incorporated April twenty-sixth, eighteen hundred and sixty-four. The building, as will be seen from the accompanying cut, is a beautiful one, capable of accommodating one hundred and twenty-five pupils; and it has a location unsurpassed for healthfulness, and for beauty and variety of natural scenery.

The object of this school is thus expressed in its circular:

"This is an institution designed by its founders to furnish the means of a complete Christian education to the young ladies of this State. They wish to secure to our young women what colleges are giving to our young men."

Its establishment is mainly due to the active labors of Rev. E. B. Walsworth, its first and present President.

*Trustees.*—Louis McLane, J. G. Kellogg, R. B. Woodward, A. H. Houston, S. E. Alden, B. C. Horn, Mark Brumagin, J. P. Robinson, E. B. Walsworth, Jno. O. Earl, Wm. Norris, A. B. Forbes, Samuel B. McKee, George W. Mowe, Hon. F. F. Low, R. W. Kirkham, C. Palmer, Erwin Davis, D. D. Colton, M. R. Roberts.

## FACULTY—1865-'66:

Rev. Edward B. Walsworth, A. M., President, and Professor of Sacred Literature, Mental and Moral Science, Constitutional Law, and Natural Theology.

Rev. Silas S. Harmon, A. M., Professor of Mathematics, Natural Philosophy, Astronomy, and Logic.

Mrs. Frances W. Harmon, Principal, and Preceptress in Anatomy, Physiology, Botany, Rhetoric, History, and English Literature.

G. Schulté, Professor of French, German, Spanish, and Italian.

W. A. Stiles, A. M., Professor of Chemistry, Geology, Conchology, and Mineralogy.

Department of Music—R. Harold, J. B. Benitler, and Mrs. Sarah Clemens.

Arts of Design—Landscape Painting and Drawing—Frederick Butman.

## REPORT

*Of the President of the Pacific Female College to the Superintendent of Public Instruction, for the scholastic year ending May 26, 1865.*

Name of Institution—Pacific Female College. Location—Oakland. Name of President—Rev. E. B. Walsworth. Incorporated April twenty-third, eighteen hundred and sixty-four. Number of regular professors and teachers—male, seven; female, six; total, thirteen. Whole number of students in attendance during the year—one hundred and twenty. Number of years occupied in completing the College course—four. Number of students in preparatory classes, including irregular students—ninety-two. Number of months in college or school year—ten. Estimated yearly expenses of student, including board—three hundred dollars. Value of buildings and grounds—eighty thousand dollars.

Believed to be a correct statement.

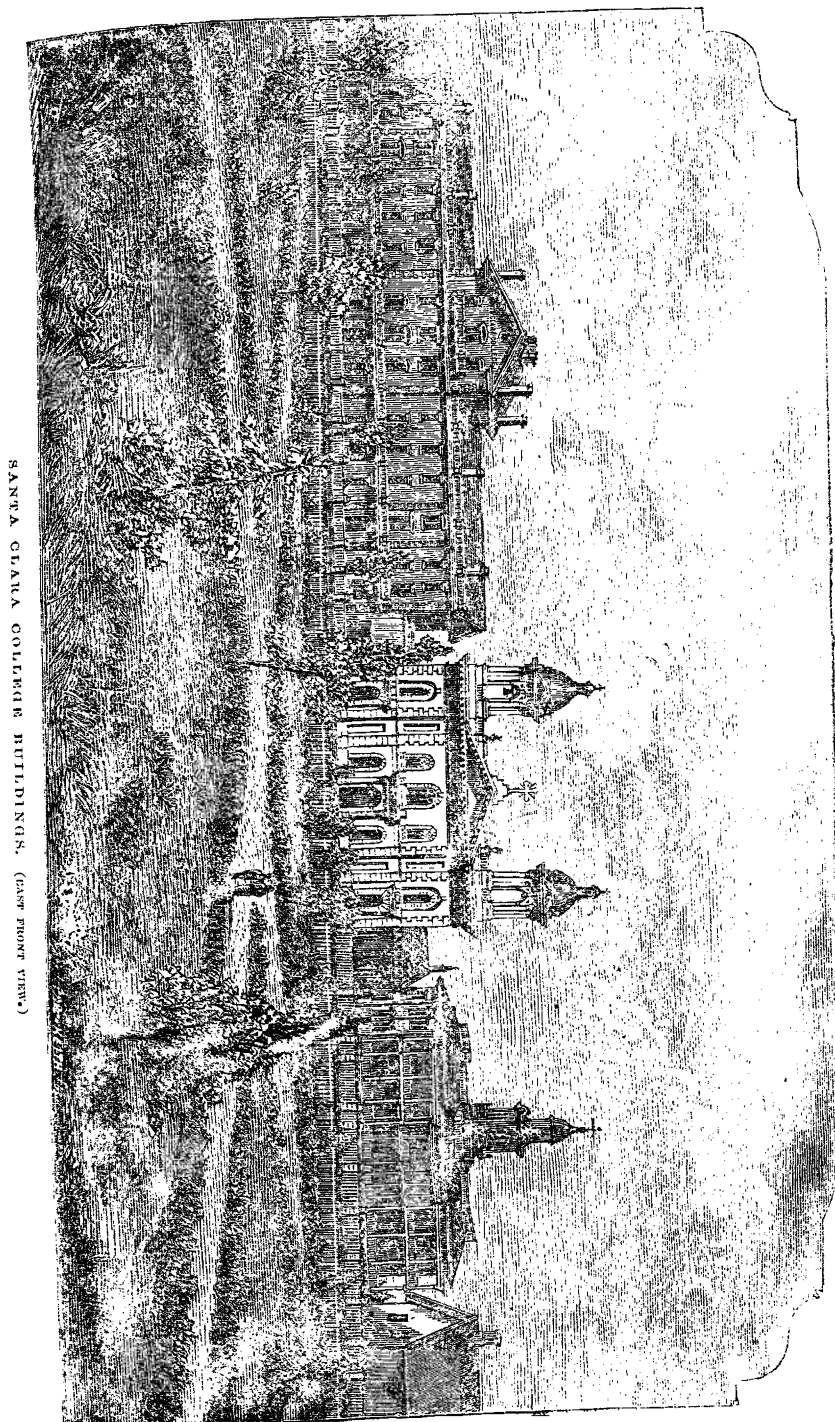
E. B. WALSWORTH, President.

## SANTA CLARA COLLEGE.

This institution, under the direction of the Fathers of the Society of Jesus, is pleasantly situated in the Town of Santa Clara, near the City of San José, in the San José Valley. It was founded in eighteen hundred and fifty-one, and incorporated in eighteen hundred and fifty-five. The buildings are extensive, and all the interior arrangements are of the most approved modern style of school architecture. The total value of the buildings, including lands, furniture, and apparatus, cannot be estimated at less than \$250,000. The philosophical apparatus is exceedingly fine. The chemical laboratory is very extensive, including furnaces for assaying. The museum of natural history embraces a full mineralogical cabinet, three thousand specimens of shells, and other natural curiosities. Attached to the scientific department is a photographic gallery, and practical lessons are also given on the electric telegraph. The physical comfort of the students is provided for by a fine gymnasium, extensive playgrounds, a large bathing pond, and well ventilated dormitories. The plan of instruction embraces a classical and a scientific course.

## FACULTY AND OTHER OFFICERS:

Very Rev. A. Masnata, S. J., President, Prefect of Studies.  
 Rev. Jos. Caredda, S. J., Vice President, Chief Disciplinarian, Prefect of Classes.  
 Rev. M. Accolti, S. J., Professor of Divinity, General Jurisprudence, Science of Government, etc.  
 Rev. J. Cataldo, S. J., Professor of Logic, Metaphysics, and Ethics.  
 Rev. A. Varsi, S. J., Professor of Natural Sciences.  
 Rev. F. Veyret, S. J., Professor of Mathematics, Astronomy, Arithmetic, and Spanish.  
 Rev. E. Young, S. J., Professor of English Literature and Elocution.  
 Rev. E. M. Nattini, S. J., Professor of the Preparatory Department.  
 Rev. P. Raffo, S. J., Professor of Ancient Languages.  
 Rev. S. Traverso, S. J., Professor of French.  
 Rev. G. Mengarini, S. J., Treasurer.  
 Rev. A. Maraschi, S. J., (at St. Ignatius' College, Market street, San Francisco.) General Agent.  
 Rev. J. Neri, S. J., Chaplain.  
 Rev. F. Sullivan, S. J., Rev. F. Prelato, S. J., Messrs. P. A. Barcelloz, S. J., J. Isolabella, S. J., V. Testa, S. J., J. Pinasco, S. J., C. Galliano, S. J., D. Raganti, S. J., J. Mahoney, S. J.—Assistant Professors and Disciplinarians.  
 Mr. J. Pascal, Professor of Mathematics, Bookkeeping, German, Drawing, and Violin.  
 Mr. J. Lawrie, Professor of Piano.  
 Mr. E. Pomeroy, Assistant Professor of Piano.  
 Mr. L. Fernandez, Professor of Penmanship.  
 Dr. H. H. Warburton, Attending Physician.  
 Mr. J. Boggio, Infirmaryman.



SANTA CLARA COLLEGE BUILDINGS. (LEFT FRONT VIEW.)

## REPORT

*Of Santa Clara College, S. J., Santa Clara, California, to the Superintendent of Public Instruction, for the scholastic year ending 1864-'65.*

Number of regular professors or teachers, male—fourteen. Whole number of students in attendance during the year—one hundred and eighty-seven. Average number of students belonging during year—one hundred and fifty. Number of years occupied in completing the several courses of study—six. Number of students pursuing the several courses of studies during the year: regular course, twenty-five; scientific course, seventy-five; preparatory course, fifty—total, one hundred and fifty. Number of students in preparatory classes, including irregular students—fifty. Number of graduates in each course in eighteen hundred and sixty-four or eighteen hundred and sixty-five: regular course, one; scientific course, one—total, two. Whole number of graduates in regular course since the institution was founded—eight. Number of months in college or school year—ten. Estimated yearly expenses of student, including board—three hundred and fifty dollars. Number of volumes in libraries: students' library, four hundred; college library—ten thousand. Value of apparatus—twelve thousand dollars. Amount of income from invested funds, rents, etc., during the year—four thousand dollars. Value of buildings, grounds, etc.—one hundred and fifty thousand dollars. Amount of endowment funds, not including buildings, grounds, etc.—twenty thousand dollars.

The foregoing is believed to be a correct statement.

MICHAEL L. ACCOLTI, S. J.,  
For the President.

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SAN JOSÉ INSTITUTE AND COMMERCIAL COLLEGE.

This institution, pleasantly located in the City of San José, was established in eighteen hundred and sixty-two, by Freeman Gates and D. D. Owen. It is a boarding school for both sexes, having an academic course, and a commercial department for young men who desire a business education. The number of pupils, including boarding and day pupils, and the primary department, is two hundred. Valuation of school property, fifteen thousand dollars.

INSTRUCTORS:

Freeman Gates, Director.  
B. F. Morrison, A. M., Academic Department.  
George E. Houghton, Commercial Department.

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ST. IGNATIUS COLLEGE.

This college, located on Market Street, San Francisco, was founded in eighteen hundred and fifty-five, and incorporated in eighteen hundred and fifty-nine. The cost of the college building, exclusive of the lot, was

one hundred and twenty thousand dollars, and the value of the entire college property cannot be less than three hundred thousand dollars.

The course of instruction comprises a full mathematical, classical, and scientific course. The philosophical apparatus of the school is extensive. The institution is in a flourishing condition.

### ST. MARY'S COLLEGE.

This is a Catholic college, established in eighteen hundred and sixty-three. The building is a large and well arranged brick edifice, situated four miles from San Francisco, near the line of the San José Railroad. The college numbers about one hundred and fifty students. No statistics furnished.

### PACIFIC METHODIST COLLEGE.

This institution is located in the village of Vacaville, Solano County, thirty-five miles from Sacramento. It was established in eighteen hundred and sixty-one, incorporated in eighteen hundred and sixty-two, and is under the patronage of the Methodist Church South. Much of its success is owing to the energy of its President, Rev. W. T. Lucky, who is a veteran in the cause of education. In April, eighteen hundred and sixty-five, the college building was burned to the ground, but immediate measures were taken to erect a larger and better one at a cost of ten thousand dollars. This institution is designed for both sexes. The rules and regulations of the school, as published in the catalogue, are good.

#### FACULTY :

Rev. William T. Lucky, A. M., President, and Professor of Moral and Intellectual Science.

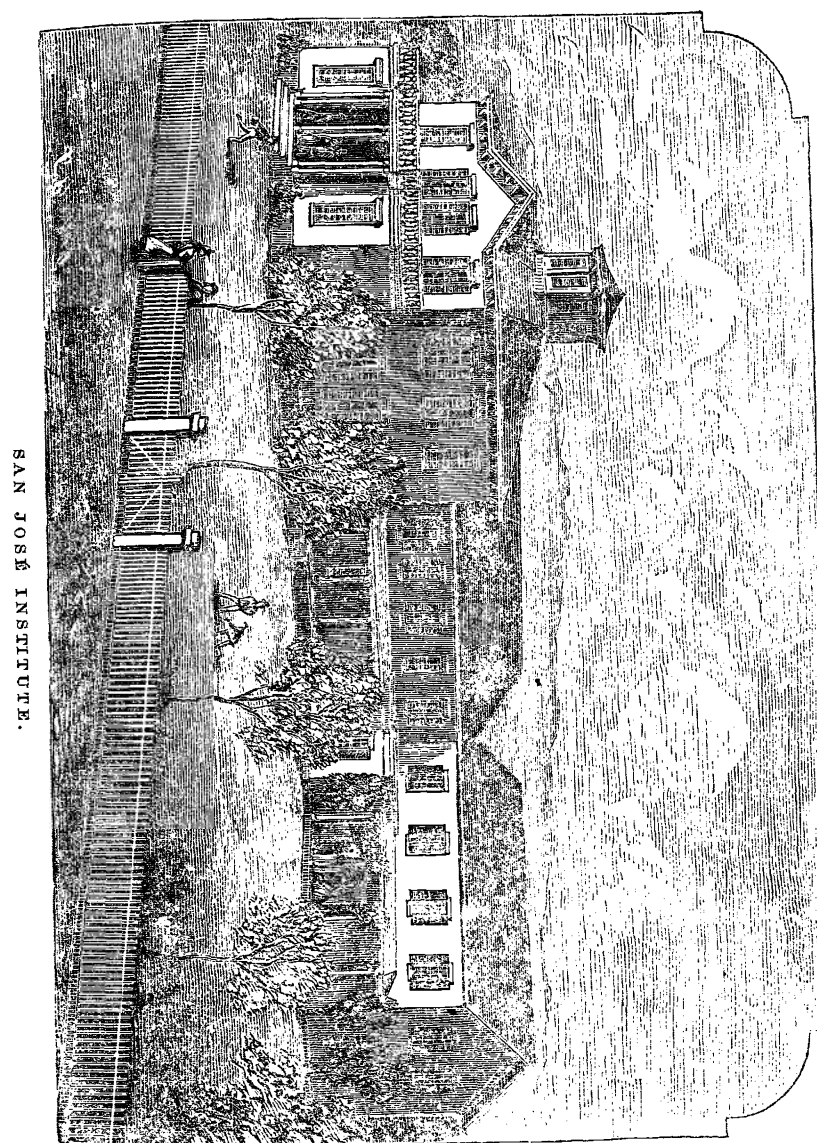
Charles S. Smyth, A. M., Professor of Mathematics.

Samuel B. Morse, A. M., Professor of Latin and Greek.

#### R E P O R T

*Of the President of Pacific Methodist College, to the Superintendent of Public Instruction, for the scholastic year ending May 18, 1865.*

Name of institution—Pacific Methodist College. Location—Vacaville, Solano County. Name of President—Rev. William T. Lucky, A. M. Established, eighteen hundred and sixty-one; incorporated, eighteen hundred and sixty-two. Number of regular professors or teachers—male, three; female, two; total, five. Whole number of students in attendance during the year—two hundred and eight. Average number of students belonging during year—one hundred and forty. Number of years occupied in completing the several courses of study—regular or classical course, four years; scientific or English course, three years.





Number of students pursuing the several courses of studies during the year—regular course, twenty-five; scientific course, thirty-five; total, sixty. Number of students in preparatory classes, including irregular students—one hundred and forty-eight. Number of graduates in each course in eighteen hundred and sixty-five—regular course, eight; scientific course, four; total, twelve. Whole number of graduates in regular course since the institution was founded—nine. Number of months in college or school year—ten. Cost of tuition per year—thirty to eighty dollars. Estimated yearly expenses of students, including board—two hundred and fifty to three hundred dollars. Estimated yearly expenses of students boarding themselves—one hundred and fifty to one hundred and seventy-five dollars. Library and apparatus destroyed by fire, April twenty-eighth. Amount of income from tuition during the year—five thousand six hundred and sixteen dollars and sixty cents. Amount of income from invested funds, rents, etc., during the year—six hundred dollars.\* Value of buildings, grounds, etc.,—five thousand dollars.† Amount of endowment funds, not including buildings, grounds, etc.,—fifteen thousand dollars. Total expenditures during the past year—six thousand two hundred and twelve dollars and eighty cents.

Believed to be a correct statement.

WILLIAM T. LUCKY,  
President.

#### UNIVERSITY OF THE PACIFIC.

This institution, under the control of the Methodist Episcopal Church, is pleasantly situated in the Town of Santa Clara, in the San José Valley. Having received no reply to my circular, I am unable to give any statistics of the school.

#### BOARD OF TRUSTEES:

Rev. J. T. Peck, D. D.; B. F. Headen, M. D.; Rev. E. Thomas; Hon. C. Maclay; Rev. J. D. Blain; Hon. Joseph Aram; Rev. S. D. Simonds; Rev. M. C. Briggs, A. M.; Rev. E. Bannister, D. D.; Hon. J. T. McLean, M. D.; Rev. A. Bland; Capt. J. B. Thomas; Rev. I. Owen; David Jacks, Esq.; Rev. W. J. Maclay, A. M.; A. W. Saxe, M. D.; Annis Merrill, Esq.; R. Beverly Cole, M. D.

*Officers.*—Rev. J. T. Peck, D. D., President; B. F. Headen, M. D., Secretary; Robert M. Widney, Treasurer.

#### FACULTY:

Rev. Edward Bannister, D. D., President, and Professor of Intellectual and Moral Science.

James Monroe Kimberlin, A. M., Professor of Ancient Languages.

Robert M. Widney, A. B., Teacher of Natural Science.

Rev. John Dickinson, Teacher of Mathematics.

\*Unusually small, in consequence of the failure of the crops in 1864.

† There is a subscription of nearly ten thousand dollars to erect a new building.



## UNIVERSITY COLLEGE OF SAN FRANCISCO.

This institution is located in the City of San Francisco, corner of Geary and Stockton streets. The buildings are good, and the school is well supplied with apparatus.

It is under the patronage of the Presbyterian churches. It contains a preparatory and collegiate department.

## BOARD OF TRUSTEES:

T. H. Selby, Esq.; Dr. H. P. Coon; C. Wadsworth, D. D.; G. Barrowes, D. D.; J. D. Thornton, Esq.; J. B. Roberts, Esq.; H. H. Haight, Esq.; F. Henderson, Esq.; Dr. J. Y. Lind; R. B. Woodward, Esq.; H. M. Newball, Esq.; Erwin Davis, Esq.; N. G. Kittle, Esq.; S. Knight, Esq.; J. G. Kellogg, Esq.; H. H. Bancroft, Esq.; A. Campbell, Esq.; A. J. Ralston, Esq.

## REPORT

*Of the Principal of the University College to the Superintendent of Public Instruction, for the scholastic year ending 1865-'66.*

Name of Institution—Original name, City College; incorporated name, University College. Location, San Francisco. Name of Principal, Rev. P. V. Veeder. Established in November, eighteen hundred and fifty-nine. Incorporated in April, eighteen hundred and sixty-three. Number of regular professors or teachers—nine. Whole number of students in attendance during the year, last catalogue—one hundred and eighty-three. Average number of students belonging during the year—one hundred and fifty. Value of apparatus—two thousand dollars. Value of buildings, grounds, etc., seventy-five thousand dollars.

## TOLAND MEDICAL COLLEGE.

This institution was established in eighteen hundred and sixty-four, by Dr. H. H. Toland, and incorporated in eighteen hundred and sixty-five. The college building, a fine brick edifice on Stockton street, San Francisco, was conveyed by the founder to a Board of Trustees, in whom the management of the institution is vested.

## MEDICAL FACULTY:

H. H. Toland, M. D., President, Professor of Principles and Practice of Surgery.  
James Blake, M. D., Professor of Obstetrics and Diseases of Women and Children.  
J. Newton Brown, M. D., Professor of Anatomy.  
L. C. Lane, M. D., Professor of Institutes of Medicine.  
J. F. Morse, M. D., Professor of Clinical Medicine and Diagnosis.  
Wm. O. Ayres, M. D., Professor of the Theory and Practice of Medicine.

Thos. Bennett, M. D., Professor of General Pathology.  
Henry Gibbons, M. D., Professor of Materia Medica.  
Robert Oxland, M. D., Professor of Chemistry.  
W. O. Ayres, M. D., Dean of Faculty.

## FEES AND REGULATIONS:

The aggregate fees of the Professors for a full term.....	\$130 00
The Matriculation fee, (this fee is paid but once).....	5 00
The Graduation fee.....	40 00
The Demonstrator's ticket .....	10 00

## REQUIREMENTS FOR GRADUATION:

- 1st. The candidate must be twenty-one years of age.
  - 2d. He must have attended two full courses of medical lectures, one of which must have been delivered in this Institution.
  - 3d. He must have attended a course of practical anatomy in the dissecting room.
  - 4th. The candidate must have studied medicine for three years (the terms of attending lectures included) under the direction of a respectable medical practitioner.
  - 5th. He must write a medical thesis, and submit the same to the Faculty two weeks prior to the commencement.
- Graduates from other medical colleges in good standing are required to matriculate only.

## SOTOYOME INSTITUTE.

This new and flourishing institution is delightfully located at Healdsburg, in the centre of a rich agricultural country. It is held in the buildings erected by the late lamented Col. Rod. Matheson for the purpose of establishing an agricultural college. It is not incorporated, and is owned by J. W. Anderson and E. S. Stockwell.

## REPORT

*Of the Principal of the Sotoyome Institute to the Superintendent of Public Instruction, for the scholastic year ending May 19, 1865.*

Name of institution—Sotoyome Institute. Location—Healdsburg. Name of Principal—J. W. Anderson. Established in eighteen hundred and sixty-three. Number of regular professors or teachers—male, three; female, one; total, four. Whole number of students in attendance during the year—two hundred and eleven. Average number of students belonging during the year—one hundred and ten. Number of months in college or school year—ten. Cost of tuition per year—minimum, twenty-five dollars; maximum, sixty dollars. Estimated yearly expenses of student, including board—one hundred and seventy-five to two hundred and ninety dollars. Number of volumes in libraries—two hundred. Value of apparatus—one hundred and fifty dollars. Amount of income from tuition during the year—three thousand five hundred and forty dollars. Value of buildings, grounds, etc.—four thousand dollars. Total expenditures during the past year—one thousand four hundred dollars.

[ G ]

# REPORT

OF THE

## PRINCIPAL OF THE STATE NORMAL SCHOOL.

*To the Honorable the Board of Trustees of the State Normal School:*

GENTLEMEN:—In May, eighteen hundred and sixty-two, an Act was passed by the Legislature of California establishing a State Normal School. On the twenty-third day of the July following the school was opened in a classroom of the San Francisco high school building, under the superintendence of Mr. Ahira Holmes, who, continuing Principal until July, eighteen hundred and sixty-five, succeeded, by faithful and untiring exertions, in placing the school on a permanent foundation. In eighteen hundred and sixty-three, that gentleman submitted to you a long report, in which he presented with great ability the arguments in favor of the establishment of normal schools, thereby rendering it unnecessary for me to do anything more than state a few general considerations upon the same side.

By a normal school is meant an institution for the training of young men and young women who may show the proper talent and disposition to become teachers, with opportunities of witnessing and conducting the government and instruction of a training school, constituted in all its essential features like ordinary public schools. The experience of other States and countries has shown conclusively that these institutions are the most efficient and certain means of elevating the attainments, character, and practical knowledge of teachers, and of improving rapidly the quality, and increasing the amount of education given in public schools, while it is applying to the preparation of teachers the same course which is adopted in every other profession or art. There are many normal schools in France, England, Prussia, Switzerland, and in

every part of Germany. The first normal school in America was established in Lexington, July third, eighteen hundred and thirty-nine. Four are now supported by the State of Massachusetts, at an expense of twenty-five thousand dollars a year, apart from the buildings. There are normal schools in all the free States, except Vermont and New Hampshire. They are not high schools or academies, established for the purpose of enabling a certain number to pursue the higher branches of learning; but their object is direct, plain, and practical; it is to benefit the people at large, by providing for the common schools a class of well trained teachers. The course of study is therefore at present almost entirely restricted to those branches which are taught in the common schools. And this is, in my opinion, as it ought to be. The normal school was never intended to attempt to give an extended course of instruction in the arts and sciences, or in the languages; but its purpose is—by rendering its pupils thoroughly acquainted with the fundamental branches of a good English education, by familiarity with the best methods of teaching, by a knowledge of the principles and methods of human culture, and of the true order of study, by endeavoring to give them an insight into human nature, so as to enable them to perceive the best methods of government and discipline, and, lastly, by their applying what they learn in the actual teaching and governing of classes in the training school—its purpose is, by these means, to send into the common schools throughout the State a class of teachers whose excellence, ability, and aptitude for teaching will be at one felt and acknowledged. I have no doubt, also, that the normal school, as it increases the number of its pupils, will, in course of time, cultivate an *esprit de corps* among its members which will be beneficial alike to teachers and to the community. No one can fail to see the advantages that will result to the cause of education from having dispersed over the State teachers who are mostly graduates of one institution, and therefore feel a friendly interest in one another's success and welfare, who would often correspond and interchange opinions concerning the best methods of advancing the cause in which they were all engaged.

It must not be forgotten, moreover, that our State Normal School is and will be the principal means of enabling our own citizens, who design to become teachers, to compete with the graduates of Eastern normal schools.

In the month of June last I was elected Principal of the school, and on the tenth of July it was opened in Dashaway Hall. It continued there about six weeks, and was then transferred to the Lincoln Schoolhouse, whence it was subsequently removed to the building on Market street, between the Lincoln Schoolhouse and St. Ignatius' College. The upper part of this building is occupied by the normal school, and the lower by the Training School, of four classes, directed by Mrs. C. W. Stout and Miss H. M. Clark. Four pupils of the normal school are detailed in turn every week to instruct and govern these classes, under the supervision and with the assistance of these experienced and accomplished teachers. The normal school now possesses greater advantages in this respect than it ever did before. The practice in teaching, which members of the school will have in the course of a year, will be of incalculable benefit to them.

Upon the organization of the school last July, forty-one pupils in all were admitted to the different classes, making the whole number in the school eighty-five. Since then thirteen have left for the purpose of teaching, and fifteen have entered the school, and at the date of this report

the number in the school is eighty-seven. The following counties are represented: Alameda, Amador, Butte, Calaveras, Contra Costa, Napa, Nevada, Placer, Santa Clara, San Joaquin, San Mateo, Sacramento, San Francisco, Sierra, Siskiyou, Solano, Sutter, Tuolumne, and Yuba.

The following are the names of all the graduates: Susan D. L. Carey, M. Augusta Krauth, P. Augusta Fink, Ellen S. Baldwin, Annie S. Jewett, Elizabeth B. Jewett, Minnie Girven, Jane Smith, Minnie Scott, Mary J. Norton, Ellen Grant, Victoria Beverly, Eve Solomon, Julia Clayton, Ariadne L. Kimball, Clara A. Cummings, Margaret Wade, Mary Goldsmith, May E. Williams, Lucinda Allyne, Sadie Davis, Caroline P. Field, Annie E. Kennedy, Philena Sawyer, Bertha Comstock, Louisa N. Mails, Maggie Jordan, Annie M. Jourden, Fanny A. Estelle Nichols, Mary Perkins, Fanny Soule, Jane O. Day, Florence Morgan, Caroline A. Menges, Nellie A. Littlefield, Sophronia Mills, Augusta Cameron, Mary Youngberg, Cornelia A. Campbell, Anna Gibbons, Nettie Dowd, Mary H. Estabrook, Sarah E. Frissell, Jane E. Greer, Mary E. Hall, Mary Pascol, Sabrina A. Williams, and Maria O'Connor—forty-eight.

Martin V. Ashbrook, E. Broadbent, H. E. McBride, William R. Bradshaw, George H. Pershim, Joseph F. Kennedy, J. Alexander Louttit, Louis J. Megerlee—eight.

Fifty-six in all, representing the following counties: Alameda, Calaveras, Contra Costa, El Dorado, Marin, Monterey, Nevada, Placer, Sacramento, Santa Clara, Santa Cruz, San Francisco, San Joaquin, San Mateo, Solano, Sonoma, and Yuba.

Since the establishment of the school there have been entered upon the register two hundred and sixty-two names. These represent nearly every county in the State. It will be seen that the majority have not remained long enough in the school to obtain a diploma. This is owing to various causes, the principal of which is, the want of means to defray the expenses of board and lodging while attending the school. Young men and women have told me of their earnest desire to continue longer in the school, but have stated that it was absolutely necessary for them to do something to support themselves, and have left to take positions as teachers; others enter merely to become acquainted with a certain branch, and, as soon as their object is accomplished, leave, never having been candidates for a diploma; while still others change their plans in life, and engage in some other occupation.

All pupils, before being permitted to join the school, are required to subscribe to the following:

"We hereby declare that our purpose, in entering the State Normal School, is to fit ourselves for the profession of teaching, and that it is our intention to engage in teaching in the public schools of California."

I concur in the recommendation of my predecessor, that no pupil be permitted to enter the school after the first week of each term, except in extraordinary cases; and that upon entering, each pupil shall be required to signify his intention to remain during the term.

The *theory* of a normal school is that all its members are well grounded in the principles of learning; that they are even able scholars, and that they attend the normal school merely for the purpose of acquiring the best methods of imparting their knowledge, and of instructing in the branches which they so well understand. This is the *ideal*; but the reality is far different. It is a matter of complaint in the Eastern schools, that the

time of the teacher is frequently taken up in instructing pupils in the rudiments of branches taught in the grammar schools, and which they ought to have understood before applying for admission to the normal school. I recommend that the standard of admission be raised, so that no pupil can join the school who is not well advanced in a knowledge of all the branches taught in the grammar schools. I would also have the standard for graduation made so high that no one deficient as a scholar, or inability to teach, could obtain a diploma. I desire that these diplomas may be respected all over the Pacific coast, and that the time may speedily come when the bare fact that a man has a diploma from the State Normal School will be considered as sufficient, beyond all question, to give him the reputation of being a model teacher.

I am of opinion that it would be better for the written examination of the pupils of the school to take place only once a year, instead of at the end of each school term, according to the present law. Every competent teacher will have frequent reviews of studies, but this is very different from a protracted examination, continuing through a month, in all the branches pursued in the school, all the answers being in writing. Such an examination occurring every six months, interferes materially with the progress of a class in certain studies. As soon as they have conquered the difficulties which were in their way, and are making rapid and pleasant progress, they are obliged to stop and prepare for the examination. It seems to me that the rule in force in other schools for determining promotions or graduation, by an examination at the end of the school year, might be adopted with advantage in the normal school. An additional benefit resulting from it would be that pupils entering the school in July would make up their minds to remain in it a year, instead of seeking to graduate at the end of six months. I have no doubt the Trustees will discourage the idea which some pupils appear to entertain, that they can learn all that is necessary for them to know to qualify them to become good teachers in one term of the normal school. Another objection to the present course is, that some actually enter the school merely to see how soon they can obtain a diploma, and only for the sake of the diploma; and not from a desire to learn systematically and thoroughly the different branches of their profession.

The following branches have been taught in the school during the past term: English grammar and analysis, rhetoric, composition, descriptive and physical geography, mental and written arithmetic, algebra, human physiology, natural philosophy, natural history, reading, penmanship, bookkeeping, Willson's and Calkins' Object Lessons, the use of Willson's Charts, normal methods of training, vocal music, calisthenics.

The library of the school is small, and it is deficient in the necessary furniture. It has no apparatus to illustrate the different branches of natural science, not even of mathematical geography. It has the mere commencement of a cabinet of minerals and of natural history. If the Trustees of the different counties in the State, and if all coming to the school from the different counties, will send or bring to the State Normal School specimens of minerals, or in geology or in natural history, the school would, in a few years, possess a collection which would be a credit to the State. By sending a number of specimens of the same kind for interchange, through the medium of the normal school, with specimens from other counties, each county in the State may collect a museum exhibiting a picture of the whole State in its natural resources. Allow me to suggest that if the Legislature of California shall appropriate

three thousand dollars to the State Normal School for the purchase of necessary apparatus, the money can be beneficially expended in procuring philosophical apparatus, in adding to the library, in procuring cases, cabinets, charts, maps, etc. Every one knows how much more quickly many things are learned through the eye than through the ear. The proverb "seeing is believing," can never be applied to the other senses. The normal schools at the East are all amply endowed. I cannot think that the State of California will neglect to place in the best condition an institution the design of which is to conduce directly to the benefit of the children of all parts of the State.

Very respectfully,

GEORGE W. MINNS,  
Principal of the State Normal School.

#### ERRATA.

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Page 38, line 16, for "five" read "seven."

Page 117, line 26, for "treaties" read "treatises."

Page 261, line 17, for "hauked" read "backed."

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REPORT  
OF THE  
DIRECTORS CALIFORNIA STATE PRISON,  
November 1st, 1865.

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## REPORT.

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OFFICE OF BOARD OF STATE PRISON DIRECTORS, }  
November 1st, 1865. }

*To His Excellency Fred'k F. Low, Governor of California :*

In compliance with the requirements of the Statute, we beg leave to submit the following report of the transactions of the Board of Directors of the State Prison, and statistics relating to the inmates of the Prison, from December 15th, 1863, to November 1st, 1865.

Respectfully,

T. N. MACHIN,  
B. B. REDDING,  
State Prison Directors.

O. M. CLAYES.....STATE PRINTER.

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## REPORT.

TO HIS EXCELLENCY FREDERICK F. LOW, GOVERNOR :

SIR :—The statistics herewith presented, give an accurate view of the present condition of the State Prison, and of the changes that have taken place during the past two years. The financial tables show the indebtedness of the Prison, on the first day of November, 1865, to be nineteen thousand seven hundred and forty-eight 78-100 dollars, (\$19,748 78). While this is correct, it is but proper that it should be stated, that the appropriation made by the State for the fiscal year for the support of the Prison, being fifty thousand dollars (\$50,000), would give an average of four thousand one hundred and sixty-six 66-100 dollars (\$4,166 66) per month; if this were drawn monthly, the Prison would be entitled to sixteen thousand five hundred and sixty-six 66-100 dollars (\$16,566 66) for the four months of the fiscal year from July to November, 1865. But instead of drawing sixteen thousand five hundred and sixty-six 66-100 dollars (\$16,566 66), the pressing demands of the indebtedness inherited from our predecessors, and the urgent necessity of purchasing supplies of provisions at a season of the year when they were cheapest, have compelled the drawing of thirty-seven thousand four hundred dollars (\$37,400), consequently this leaves but twelve thousand six hundred dollars (\$12,600) of State appropriation that can be used for the support of the Prison from November 1st, 1865, to July 1st, 1866. Having anticipated our resources to the amount of twenty thousand eight hundred and thirty-three 34-100 dollars (\$20,833 34), and having an indebtedness as above shown on the 1st of November, 1865, of nineteen thousand seven hundred and forty-eight 78-100 dollars (\$19,748 78), it is safe to assume that the indebtedness of the Prison on the first day of July, 1866, will be forty thousand five hundred and eighty-two 22-100 dollars (\$40,582 22). It is hoped that the increased earnings from prison labor, over the average of the past two years, will, between the first of November, 1865, and 1st of July, 1866, amount to five thousand dollars (\$5,000). It would be great economy for the State if the financial affairs of the Prison could be placed on a cash basis. The prisoners must be fed, clothed and guarded; the annual appropriation of fifty thousand dollars (\$50,000), with the earnings from prison labor, would do this, if there were not always a floating debt of from twenty-five thousand dollars (\$25,000) to thirty-five thousand dollars (\$35,000) outstanding—not usually in the hands of the persons who supplied the Prison or performed the labor, but sold to others at a rate of from seventy-five to ninety cents on the dollar. We would earnestly ask an appropriation of thirty-five thousand dollars (\$35,000) to pay the indebtedness of the Prison that will be owed on the first day of July,

1866. If this be done, it is believed that with the annual appropriation of fifty thousand dollars (\$50,000), the Prison will thereafter be on a cash basis.

In accordance with "An Act to provide for the construction of additional cells at the State Prison, approved April 1st, 1864," we have caused to be constructed within the prison inclosure two brick buildings, each of three stories, and containing in all three hundred and ninety-six cells. We desired to construct these buildings entirely with prison labor, but an examination of proper plans showed that one-third of the total cost would be for iron and iron-work, and that buildings of the kind required must, from necessity, be constructed by skilled labor; we therefore, after advertising for proposals, in which we agreed to furnish seventy-five laborers, let a contract to the lowest bidders. These buildings have been entirely completed, and are now occupied. We believe the State has no public improvement that, for the labor and material used and style of workmanship, can be compared with these, as to stability and economy in the cost of construction. To pay for the erection of these buildings, the Act appropriated the proceeds of a tax of five cents on each one hundred dollars of taxable property; this produced sixty-seven thousand eight hundred and one 34-100 dollars (\$67,801 34), the buildings have cost seventy-eight thousand two hundred and thirty-three 89-100 dollars (\$78,233 89), leaving a deficiency to be provided for—and for which we ask for an appropriation—of ten thousand four hundred and thirty-two 55-100 dollars (\$10,432 55.)

The following is an exhibit of the cost of construction of these buildings:

Contract with Carr & Naglee.....	\$59,950 00
"    "    C. Rave, (locks).....	6,534 00
Extra brick work, excavation, extra iron work, rubbing down and plastering cells, etc.....	9,397 89
Stockton Independent, (advertising proposals).....	41 00
Sacramento Union, " ".....	41 00
American Flag, " ".....	25 00
S. C. Buckbee & Co., (plans).....	145 00
Reuben Clark, " ".....	500 00
R. Cushing, (Superintendent).....	1,600 00
<b>Total cost of Buildings .....</b>	<b>\$78,233 89</b>

Of this amount there has been paid:

Carr & Naglee.....	\$59,568 74
C. Rave.....	5,889 60
Stockton Independent.....	41 00
Sacramento Union.....	41 00
American Flag.....	25 00
S. C. Buckbee & Co.....	145 00
Reuben Clark.....	500 00
R. Cushing.....	1,600 00
<b>Total .....</b>	<b>\$67,801 34</b>
Balance due Carr & Naglee.....	9,779 15
"    "    C. Rave.....	653 40
	<b>\$78,233 89</b>

After these buildings had been received from the contractors, completed in accordance with the terms of their contract—yet to prepare the cells with bedsteads and bedding, and other articles necessary to make them fit for occupancy, involved a large expense which could only come from the general appropriation.

The table exhibiting the monthly earnings of the Prison shows a steady increase; this is in consequence of the additional number of prisoners whose labor has been employed by contractors. At the time the Prison came under our direction, all of the contracts for labor given by our predecessor, with the exception of one for fifty men, had expired. There are now two hundred and seventy-five men employed by contractors within the Prison walls. During the past two years the Prison has been so faithfully guarded that no prisoner has been lost by escape, and there have been no serious internal disturbances. This has induced a feeling of security which has warranted contractors in investing more capital in their operations, and gradually each of the contractors has employed an additional number of men and every branch of business has been enlarged. The increase in the number of men employed by contractors has involved an increase of shop-room, the re-roofing and repair of buildings and various expenses, which until the return comes back on the payment for increased labor, have to be taken from the general appropriation.

When the present Directors took possession of the Prison we found that our predecessors had been involved in litigation growing out of the fact that Surveyor-General Higley had approved a survey, and Governor Downey had issued a patent for forty acres of marsh and tide land in the rear of the Prison. This land had been reclaimed by contractors or the State and constitutes what is known as the Brick-yards. Mr. Simms, who held a deed under the patent, had sued the Resident Director for the possession of the land and for back rents and damages, and obtained a judgment in the District Court in his favor. On this judgment execution had issued for about twenty-five hundred dollars, under which the Sheriff of Marin county had levied upon and had in keeping the property of the State and of the Resident Director. While this suit was pending, the then Attorney General had commenced a suit in the same Court to set aside the State patent. An examination of the record showed that this last suit had also been decided against the State, but notice of appeal to the Supreme Court had been given. We learned that the expense of contesting this suit in the Supreme Court would be one thousand dollars (\$1,000), that the time had passed for obtaining a decision upon the merits in the Supreme Court in the suit where judgment had been given against the Resident Director, and that we were liable to a new suit for the rents and damages consequent upon retaining the land from the time of the commencement of the former suit. Without this land the whole work of brickmaking would cease, and at the same time we had an offer of one thousand dollars (\$1,000) per annum from a contractor for the use of the brick-yards if we would guarantee quiet and peaceable possession. Under these circumstances we believed it to be economy to compromise rather than hazard the uncertainties of long and expensive litigation. We therefore agreed to pay Mr. Simms five thousand dollars (\$5,000) upon his releasing the property of the Resident Director, satisfying the judgment of two thousand five hundred dollars (\$2,500), releasing any claim he had for further rents and making the State a deed to the land. The Prison scrip issued for this five thousand dollars (\$5,000) has not yet been paid, and constitutes a portion of the reported floating indebtedness.

Under an agreement made by our predecessors, Mr. J. W. Mundell has



a contract to supply the prison with water. He furnished the pipe and material and the wells were dug and pipe laid by prison labor. By the peculiar wording of this contract we are compelled to pay one hundred dollars (\$100) per month for water whether it is used or not. Our only remedy under the contract is to call for an arbitration to determine the value of the property—made valuable by prison labor—and pay what the arbitrators may find to be its worth. The improvements made to these water works by prison labor will all be counted in its value when the arbitration is called. At the present time, with six hundred and forty-eight (648) prisoners and the necessary officers and guards, the pipe which conveys the water is not of sufficient capacity to supply the Prison, and we have been compelled to dig wells within the Prison walls. It would be poor economy to procure larger pipe and lay it, or to construct new water works, for in the one case, by the arbitration under the contract, we would have to pay again for the new pipe and improvements, and in the other we would not be released from the liability of the payment of the one hundred (\$100) dollars per month. There seems to be no remedy except to pay the one hundred dollars per month for such quantity of water as can be obtained from the water works until such time as the prison will be in funds to authorize the calling of an arbitration and pay what may be found to be the value of them.

During the past year arrangements have been made with the Mission Woolen Mills for a supply of blankets for the Prison, and for the manufacture of striped gray and black woolen cloth for clothing. As the clothes brought to the Prison by the prisoners have been worn out, they have been supplied with clothing, made in the Prison, from this cloth, which is warm and substantial. At the present time all or very nearly all of the prisoners are clothed in this uniform.

Upon the completion of the new buildings we were enabled to classify the prisoners, and at night separate the more hardened from those young in crime.

Through the generosity of many ladies of San Francisco and the Trustees of the State Library, the prisoners have the use of about one thousand volumes of miscellaneous books. The prisoners are allowed lights in their cells until nine o'clock P. M., and it may be a pleasure to the donors to know that these books are largely in use.

We desire to give our endorsement of the beneficial working of the provisions of the "Act to confer further powers upon the Governor of this State in relation to the pardon of criminals, approved April 4th, 1864. It provides a credit of five days for each month of faithful labor and good behavior, to be deducted from the term of sentence of each prisoner, and "requires" the Governor to grant a pardon when the term of sentence shall have expired, less the number of days for which credit has been allowed. Under this Act ninety-eight (98) prisoners were pardoned and discharged in 1864, and one hundred and thirty-four (134) up to the present time in 1865. To all prisoners except those irreclaimably bad and those sentenced for life, this Act holds out the highest inducement for good conduct and faithful labor. It is the testimony of the contractors and of the officers having the immediate charge of the prisoners, that the operations of this Act have in every sense been of great benefit in the improvement of the conduct of the prisoners.

We wish to call attention to an evil without knowing how to suggest a remedy: that is, the disparity in the sentences of Courts for the same grade of crime. Men have been sentenced to the Prison for the term of ten years for stealing a pair of mules or oxen, while others from other

Courts for the same crime or one similar have been sentenced for two or three years. No mode of reasoning will convince prisoners that both of these sentences are equal and exact justice. If sentences for the same grade of crime were more uniform, prisoners would the more readily believe that their punishment by imprisonment was intended for their reformation rather than that society was taking revenge upon them.

There are a large number of men in the Prison, sentenced at an early day for long terms of years, or for life—some of them for crimes of no very serious magnitude—who, if they ever had friends to aid them have none now whom they can find. These men are lost to the world, they feel that there is none to care for them; they know that they are fed, clothed, guarded and kept at labor—and here they believe has terminated any interest which any person outside the walls of the Prison ever had in them. Many of them have behaved well, and for years labored faithfully; their conduct in the Prison gives assurance, or at least hope, that if restored to society, they would be better men than when sentenced. It may be urged, that these are the cases for which the Constitution and law have provided the exercise of Executive clemency. But it should be remembered that there are six hundred and fifty men in the Prison, and to investigate the case of each, and separate the deserving from the undeserving, involves the search of records—which would have to be sent for to different parts of the State—and an amount of labor and expenditure of time that makes it impossible for the Executive to perform the duty. It is doubted if any Executive—even if time could be devoted to hearing the cases and investigating them—would care to take the responsibility of pardoning the number of men, whose good conduct, faithful labor and inordinate sentences seem to entitle them to pardon. Eleven prisoners have been pardoned during the past year, and while this has been the subject of unfavorable comment in the public press, we have no hesitation in declaring it to be our deliberate opinion, that society would not have been injured, that the effect upon the conduct of the prisoners remaining would have been beneficial, and that justice and mercy would have been subserved if the number had been doubled. We would suggest the propriety of the passage of an Act by the Legislature appointing a commission to examine into the cases to which we have referred, and authorizing and requiring the Governor to grant pardons to such of the prisoners as this commission, after examination and investigation, may find worthy.

Since the new buildings have been constructed and the prisoners better classified, we believe that in cleanliness, system, order and average of health, this Prison will compare favorably with many of the prisons in the Atlantic States.

The prisoners are well fed and warmly clad. The contractors appear to be well satisfied with their labor; they ask no change in the rules of the Prison, except that the Physician be required to visit the Prison daily; they urge that frequently when prisoners prefer a day or two of idleness, they complain of sickness, and their labor is lost. The contractors desire if a prisoner complain of ill health that he be sent to the Physician, that it may be determined if he be really ill or only avoiding work.

The officers, having the prisoners in charge, are humane and faithful. The care and custody of so large a number of desperate men involves the necessity of strict discipline on the part of officers, and unceasing vigilance on the part of the guard. To the faithfulness of the officers and guard, and their strict attention to the rules of the Prison, are we in-

debted to the fact, that not one person has been lost by escape during the past two years.

The statistics herewith presented have been carefully prepared, and they give many facts of great value to those who believe a Prison should be a reformatory institution as well as a place for the punishment of crime.

All of which is respectfully submitted.

T. N. MACHIN,  
B. B. REDDING,

State Prison Inspectors.

EXHIBITS.

# LIST OF EXHIBITS CONTAINED IN THE REPORT OF THE CALIFORNIA STATE PRISON.

## [ A ]

Shows the "Financial" condition of the Prison on 15th December, 1863.

## [ B ]

Shows the "Monthly cost" of maintaining Prison, including improvements, real estate purchased, etc., from 15th December, 1863, to 1st November, 1865.

## [ C ]

Shows the "Earnings" of the Prison each month, from 15th December, 1863, to 1st November, 1865.

## [ D ]

Shows the "Cash Receipts" of the Prison each month, from 15th December, 1863, to 1st November, 1865.

## [ E ]

Shows the "Cash Disbursement" of Prison per month, from 15th December, 1863, to 1st November, 1865.

## [ F ]

Is a "General Summary" of Expenditures and Receipts.

## [ G ]

Shows the condition of Prison, Financially, on 1st November, 1865.

## A 1

*Showing the Financial Condition of the California State Prison on the 15th December, 1863, or at the commencement of present administration :*

Liabilities per Report .....	\$34,093 41	
Account rendered and allowed since.....	289 45	\$34,382 86
Assets per Report.....	\$21,967 55	
Of which, proved unavailable.....	17,906 61	4,060 94
Debt of Prison 15th December, 1863.....		\$30,321 92

NOTE.—Of the above liabilities \$34,354 63 has been liquidated by the present administration, (see Exhibit E), leaving a balance outstanding, of old debt, of \$28 23.

## [ B ]

Showing the Cost of Maintaining the California State Prison from the 15th  
December, 1863, to 1st November, 1865.

Month.	Nature of Expenditure.	Amount.
1863.		
December..	Subsistence.....	\$ 772 84
...	Clothing.....	226 37
...	General use.....	337 81
...	Salaries.....	1,085 02
...	Water.....	50 00
...	Freight.....	12 60
...	Rewards.....	30 00
...	Discharged Prisoners.....	12 50
...	Incidental Expenses.....	19 00
		\$2,546 14
1864.		
January...	Subsistence.....	\$1,738 26
...	Clothing.....	352 23
...	General use.....	502 66
...	Salaries.....	2,181 66
...	State Prison Improvements.....	641 86
...	Water.....	100 00
...	Freight.....	49 25
...	Rewards.....	20 00
...	Discharged Prisoners.....	30 25
...	Incidental Expenses.....	109 25
		5,725 42
February...	Subsistence.....	\$1,445 55
...	Clothing.....	227 07
...	General use.....	631 39
...	Salaries.....	2,280 82
...	State Prison Improvements.....	1,713 45
...	Water.....	100 00
...	Freight.....	21 25
...	Discharged Prisoners.....	41 50
...	Incidental Expenses.....	139 75
		6,600 78
March.....	Subsistence.....	\$1,645 40
...	Clothing.....	385 63
...	General use.....	848 45
...	Salaries.....	2,309 99
...	Inventory.....	160 00
...	Water.....	100 00
		5,449 47
	Carried forward.....	\$20,321 81

## EXHIBIT B—Continued.

Month.	Nature of Expenditure.	Amount.
	Brought forward.....	\$20,321 81
March.....	Freight.....	\$ 7 75
...	Discharged Prisoners.....	42 00
...	Incidental Expenses.....	124 25
		174 00
April.....	Subsistence.....	\$1,774 39
...	Clothing.....	630 85
...	General use.....	892 48
...	Salaries.....	2,696 70
...	State Prison Improvements.....	239 46
...	Real Estate.....	5,146 00
...	Inventory.....	43 00
...	Water.....	100 00
...	Freight.....	55 00
...	Awards.....	80 00
...	Rewards.....	100 00
...	Discharged Prisoners.....	86 00
...	Incidental Expenses.....	136 00
		11,979 88
May.....	Subsistence.....	\$2,017 68
...	Clothing.....	133 71
...	General use.....	969 88
...	Salaries.....	2,806 65
...	Real Estate.....	120 50
...	Water.....	100 00
...	Awards.....	20 00
...	Freight.....	8 00
...	Discharged Prisoners.....	49 00
...	Incidental Expenses.....	85 00
		6,310 42
June.....	Subsistence.....	\$1,967 32
...	Clothing.....	388 59
...	General use.....	497 88
...	Salaries.....	2,851 66
...	State Prison Improvements.....	1,308 27
...	Water.....	100 00
...	Rewards.....	50 00
...	Freight.....	123 75
...	Discharged Prisoners.....	40 50
...	Incidental Expenses.....	70 25
		7,398 22
July.....	Subsistence.....	\$2,453 27
...	Clothing.....	217 47
...	General use.....	498 34
...	Salaries.....	2,910 00
...	State Prison Improvements.....	623 68
		6,702 76
	Carried forward.....	\$52,887 09

## EXHIBIT B—Continued.

Month.	Nature of Expenditure.	Amount.
	Brought forward.....	\$52,887 09
July.....	Inventory.....	\$ 85 00
...	Water.....	100 00
...	Freight.....	152 00
...	Discharged Prisoners.....	33 50
...	Incidental Expenses.....	40 00
August.....	Subsistence.....	\$2,217 22
...	Clothing.....	300 18
...	General use.....	403 00
...	Salaries.....	2,885 00
...	State Prison Improvements.....	683 40
...	Condemnation Act.....	150 00
...	Water.....	100 00
...	Freight.....	11 25
...	Discharged Prisoners.....	59 50
...	Incidental Expenses.....	43 00
September.....	Subsistence.....	\$2,291 15
...	Clothing.....	510 30
...	General use.....	1,420 17
...	Salaries.....	2,884 86
...	State Prison Improvements.....	726 25
...	Inventory.....	635 27
...	Water.....	100 00
...	Freight.....	18 50
...	Discharged Prisoners.....	39 00
...	Incidental Expenses.....	185 00
October.....	Subsistence.....	\$2,472 18
...	Clothing.....	382 54
...	General use.....	953 90
...	Salaries.....	2,928 29
...	State Prison Improvements.....	116 82
...	Inventory.....	144 00
...	Water.....	100 00
...	Freight.....	284 20
...	Discharged Prisoners.....	54 50
...	Incidental Expenses.....	60 00
November.....	Subsistence.....	\$2,685 79
...	Clothing.....	267 81
...	General use.....	852 75
...	Salaries.....	3,016 66
...	State Prison Improvements.....	109 43
...	Real Estate.....	60 00
	Carried forward.....	\$83,449 51

## EXHIBIT B—Continued.

Month.	Nature of Expenditure.	Amount.
	Brought forward.....	\$83,449 51
November.....	Profit and Loss.....	23 50
...	Water.....	100 00
...	Freight.....	28 80
...	Discharged Prisoners.....	42 00
...	Incidental Expenses.....	70 18
December.....	Subsistence.....	\$3,067 98
...	Clothing.....	209 54
...	General use.....	519 51
...	Salaries.....	2,868 33
...	State Prison Improvements.....	108 20
...	Water.....	100 00
...	Discharged Prisoners.....	47 00
...	Freight.....	199 00
...	Incidental Expenses.....	45 00
1865.....	Subsistence.....	\$2,886 31
January.....	Clothing.....	304 60
...	General use.....	1,512 00
...	Salaries.....	2,660 00
...	State Prison Improvements.....	354 08
...	Real Estate.....	100 00
...	Water.....	100 00
...	Freight.....	11 00
...	Discharged Prisoners.....	29 00
...	Incidental Expenses.....	226 34
February.....	Subsistence.....	\$3,101 24
...	Clothing.....	737 71
...	General use.....	1,934 13
...	Salaries.....	2,669 99
...	State Prison Improvements.....	114 07
...	Water.....	100 00
...	Freight.....	69 25
...	Discharged Prisoners.....	32 00
...	Incidental Expenses.....	55 20
March.....	Subsistence.....	\$3,228 60
...	Clothing.....	1,025 66
...	General use.....	855 68
...	Salaries.....	2,843 34
...	State Prison Improvements.....	120 00
...	Water.....	100 00
...	Freight.....	79 75
	Carried forward.....	\$116,128 50

## EXHIBIT B—Continued.

Month.	Nature of Expenditure.	Amount.
	Brought forward.....	\$116,128 50
March.....	Discharged Prisoners.....	68 00
...	Incidental Expenses.....	104 00
		172 00
April.....	Subsistence.....	\$3,674 70
...	Clothing.....	840 75
...	General use.....	1,072 15
...	Salaries.....	2,835 00
...	State Prison Improvements.....	171 05
...	Profit and Loss.....	117 09
...	Water.....	100 00
...	Freight.....	148 55
...	Discharged Prisoners.....	54 90
...	Incidental Expenses.....	93 00
		9,079 29
May.....	Subsistence.....	\$3,160 83
...	Clothing.....	395 86
...	General use.....	554 12
...	Salaries.....	2,908 32
...	State Prison Improvements.....	478 66
...	Inventory.....	32 41
...	Condemnation Act.....	35 35
...	Water.....	100 00
...	Freight.....	13 00
...	Discharged Prisoners.....	65 50
...	Incidental Expenses.....	45 00
		7,797 98
June.....	Subsistence.....	\$3,076 92
...	Clothing.....	821 82
...	General use.....	1,958 85
...	Salaries.....	2,986 66
...	State Prison Improvements.....	150 44
...	Water.....	100 00
...	Freight.....	144 80
...	Discharged Prisoners.....	65 00
...	Incidental expenses.....	104 00
		9,408 52
July.....	Subsistence.....	\$2,746 46
...	Clothing.....	943 86
...	General use.....	1,222 57
...	Salaries.....	2,999 98
...	State Prison Improvements.....	53 75
...	Inventory.....	180 00
...	Water.....	100 00
...	Freight.....	11 50
...	Discharged Prisoners.....	39 00
...	Incidental Expenses.....	81 00
		8,378 12
	Carried forward.....	\$150,964 41

## EXHIBIT B—Continued.

Month.	Nature of Expenditure.	Amount.
	Brought forward.....	\$150,964 41
August.....	Subsistence.....	\$2,202 63
...	Clothing.....	645 97
...	General use.....	692 08
...	Salaries.....	2,796 66
...	State Prison Improvements.....	214 02
...	Water.....	100 00
...	Freight.....	1 20
...	Discharged Prisoners.....	34 00
...	Incidental Expenses.....	92 50
		6,779 06
September.....	Subsistence.....	\$2,395 42
...	Clothing.....	599 06
...	General use.....	630 07
...	Salaries.....	2,763 18
...	State Prison Improvements.....	1,555 86
...	Rewards.....	50 00
...	Water.....	100 00
...	Freight.....	3 00
...	Discharged Prisoners.....	32 00
...	Incidental Expenses.....	140 00
		8,268 59
October.....	Subsistence.....	\$2,456 62
...	Clothing.....	752 12
...	General use.....	871 50
...	Salaries.....	2,747 71
...	State Prison Improvements.....	315 60
...	Awards.....	5 00
...	Water.....	100 00
...	Discharged Prisoners.....	41 00
...	Incidental Expenses.....	58 50
...	Freight.....	19 50
		7,367 55
	Total.....	\$173,379 61

## EXHIBIT B—Continued.

## RECAPITULATION.

Subsistence.....	\$55,460 76
Clothing ..	11,299 72
General use.....	20,631 37
Salaries.....	61,916 48
State Prison Improvements.....	9,798 29
Inventory.....	1,279 68
Real Estate.....	5,426 59
Condemnation Act.....	185 35
Profit and Loss (loss on accounts).....	140 59
Rewards.....	250 00
Awards.....	105 00
Water.....	2,250 00
Freight.....	1,472 90
Discharged Prisoners.....	1,036 75
Incidental Expenses.....	2,126 22
<b>Total.....</b>	<b>\$173,379 61</b>

It will be seen by Exhibit B that \$9,789 29 has been expended for Prison Improvements, which have been as follows:

Repairing and fitting up Foundry building for Workshops.  
 Building an additional story to Officers' Quarters.  
 Frame for Front Gate.  
 New wash house for Guards (brick.)  
 Five new Guardhouses (of wood 4, of brick 1.)  
 Stable, Poultry houses and Hog pens.  
 Bell and Belfry.  
 Re-roofing Workshops.  
 Relaying Dining room Floor.  
 Brick and Mortar used in making pavements and walls inside.  
 Platform for Caanon.  
 396 new Iron Bedsteads.  
 792 new Iron Buckets for Cells.  
 64 new three-tier Bunks.  
 Various other repairs on old buildings.

Of the above only \$5,923 83 are accounted for by the Commissary, the balance \$3,874 46 having been transferred on Books of Prison in payment of labor, and was not charged to the Commissary account.

## [ C ]

*Showing the Earnings of the California State Prison from 15th December, 1863, to 1st November, 1865.*

Date.	From what source.	Amount.
1863.		
December..	Labor.....	\$506 00
...	Contributions at Gate.....	1 50
		\$507 50
1864.		
January....	Labor.....	\$1,016 80
...	Contributions at Gate.....	9 00
		1,025 80
February....	Labor.....	\$1,139 70
...	Contributions at Gate.....	2 00
		1,141 70
March.....	Labor.....	\$1,260 25
...	Sale of Stock.....	32 92
...	Contributions at Gate.....	2 50
		1,297 67
April.....	Labor.....	\$1,397 92
...	Contributions at Gate.....	4 50
		1,402 42
May.....	Labor.....	\$2,574 66
...	Sale of Stock.....	111 94
...	Sale of Stock.....	60 00
...	Contributions at Gate.....	13 00
		2,759 60
June.....	Labor.....	\$2,866 50
...	Contributions at Gate.....	14 00
		2,880 59
July.....	Labor.....	\$2,551 84
...	Rent of Real Estate.....	250 00
...	Contributions at Gate.....	11 50
		2,813 34
August.....	Labor.....	\$2,694 04
...	Contributions at Gate.....	12 50
		2,706 54
September..	Labor.....	\$2,552 55
...	Sale of Stock.....	271 31
...	Contributions at Gate.....	22 00
		2,845 86
October....	Labor.....	\$2,590 60
...	Rent of Real Estate.....	250 00
...	Contributions at Gate.....	18 00
		2,858 60
	Carried forward.....	\$22,139 02

## EXHIBIT C—Continued.

Date.	From what source.	Amount.
	Brought forward.....	\$22,139 02
November.	Labor.....	\$2,316 15
...	Sale of Stock.....	271 18
		2,587 33
December..	Labor.....	\$2,617 00
...	Sale of Stock.....	263 50
...	Contributions at Gate.....	2 00
		2,882 50
1865.		
January....	Labor.....	\$2,443 20
...	Rent of Real Estate.....	250 00
...	Contributions at Gate.....	2 00
		2,695 20
February...	Labor.....	\$2,406 10
...	Contributions at Gate.....	3 50
		2,409 60
March.....	Labor.....	\$2,696 25
...	Contributions at Gate.....	6 00
		2,702 25
April.....	Labor.....	\$2,330 40
...	Contributions at Gate.....	7 00
...	Rent of Real Estate.....	250 00
		2,587 40
May.....	Labor.....	\$2,413 85
...	Contributions at Gate.....	88 75
		2,502 60
June .....	Labor.....	\$2,602 75
...	Contributions at Gate.....	138 00
		2,740 75
July.....	Labor.....	\$2,816 60
		2,816 60
August.....	Labor.....	\$3,246 40
...	Contributions at Gate.....	37 50
		3,283 90
September.	Labor.....	\$3,455 55
...	Sale of Stock, etc.....	294 87
...	Contributions at Gate.....	4 50
		3,754 81
October....	Labor.....	\$2,581 00
...	Contributions at Gate.....	18 50
...	Sale of Stock.....	808 00
...	Board of U. S. Prisoners.....	2,676 00
...	Sale of Hides.....	66 68
		6,150 18
	Total.....	\$59,352 75

## EXHIBIT C—Continued.

## RECAPITULATION.

Labor.....	\$53,078 10
Sale of Stock, etc.....	2,180 40
Rent of Real Estate.....	1,000 00
Contributions at Gate.....	418 25
United States for Board of U. S. prisoners to date.....	2,676 05
Total .....	\$59,352 70



## [ D ]

*Showing the Cash Receipts of the California State Prison from 15th December, 1863, to 1st November, 1865.*

Date.	From what source.	Amount.
1863.		
December..	From Old administration.....	\$1,058 01
...	From Contributions at Gate.....	1 50
		\$1,059 51
1864.		
January ...	From State Treasurer.....	\$20,000 00
...	From Old administration.....	217 67
...	From Labor.....	402 02
...	From Sale of Stores.....	13 00
...	From Contributions at Gate.....	9 00
		20,641 69
February...	From Labor... ..	\$851 10
...	From Sale of Stores.....	18 00
...	From Contributions at Gate.....	2 00
		871 10
March .....	From Labor.....	\$ 445 40
...	From State Treasurer.....	5,000 00
...	From Sale of Stores.....	24 25
...	From Contributions at Gate.....	2 50
		5,472 15
April.....	From Labor.....	\$1,16 188
...	From Sale of Stores.....	59 85
...	From Contributions at Gate.....	4 50
		1,232 53
May.....	From Labor.....	\$ 764 35
...	From State Treasurer.....	5,000 00
...	From Sale of Stores.....	61 25
...	From Contributions at Gate.....	13 00
		5,838 60
June.....	From Labor.....	\$1,653 64
...	From Sale of Stores.....	51 75
...	From Contributions at Gate.....	14 00
		1,719 39
July.....	From Labor.....	\$2,003 21
...	From State Treasurer.....	5,000 00
...	From Sale of Stores.....	15 80
...	From Contributions at Gate.....	11 50
		7,030 51
	Carried forward.....	\$43,865 48

## EXHIBIT D—Continued.

Date.	From what source.	Amount.
	Brought forward.....	\$43,865 48
August.....	From Labor.....	\$1,980 95
...	From Rent of Real Estate.....	250 00
...	From Sale of Stores.....	41 65
...	From Contributions at Gate.....	12 50
		2,285 10
September.	From Labor.....	\$1,637 21
...	From State Treasurer.....	5,000 00
...	From Sale of Stock.....	271 31
...	From Sale of Stores.....	1 54
...	From Contributions at Gate.....	22 00
		6,932 02
October....	From Labor.....	\$2,785 98
...	From Sale of Stores.....	6 25
...	From Contributions at Gate.....	18 00
		2,810 23
November.	From Labor.....	\$ 2,193 50
...	From State Treasurer.....	22,300 00
...	From Old administration.....	68 31
...	From Sale of Stock.....	271 18
...	From Sale of Stores.....	47 20
		24,880 19
December..	From Labor.....	\$ 1,923 84
...	From State Treasurer.....	10,000 00
...	From Rent of Real Estate.....	250 00
...	From Sale of Stores.....	39 46
...	From Contributions at Gate.....	2 00
		12,215 30
1865.		
January....	From Labor.....	\$2,923 55
...	From Sale of Stores.....	20 00
...	From Contributions at Gate.....	2 00
		2,945 55
February...	From Labor.....	\$2,532 90
...	From State Treasurer.....	5,000 00
...	From C. Rave for freight.....	19 75
...	From Sale of Stores.....	51 00
...	From Contributions at Gate.....	3 50
		7,607 15
March.....	From Labor.....	\$2,064 84
...	From State Treasurer.....	1,500 00
...	From Rent of Real Estate.....	250 00
...	From Sale of Stores.....	12 00
...	From Contributions at Gate.....	6 00
		3,832 84
	Carried forward.....	\$107,373 86

## EXHIBIT D—Continued.

Date.	From what source.	Amount.
	Brought forward.....	\$107,373 86
April.....	From Labor..... \$1,332 50	
...	From State Treasurer..... 5,000 00	
...	From Sale of Stores..... 66 50	
...	From Contributions at Gate..... 7 00	6,406 00
May.....	From Labor..... \$3,983 70	
...	From State Treasurer..... 2,900 00	
...	From Rent of Real Estate..... 250 00	
...	From Sale of Stores..... 5 50	
...	From Contributions at Gate..... 88 75	6,327 95
June.....	From Labor..... \$1,753 60	
...	From State Treasurer..... 3,800 00	
...	From Sale of Stores..... 7 50	
...	From Contributions at Gate..... 138 00	5,699 10
July.....	From Labor..... \$ 717 60	
...	From State Treasurer..... 20,000 00	
...	From Sale of Stores..... 20 00	20,737 60
August.....	From Labor..... \$2,871 85	
...	From State Treasurer..... 2,500 00	
...	From Sale of Stores..... 9 80	
...	From Contributions at Gate..... 37 50	5,419 15
September.	From Labor..... \$ 1,556 80	
...	From State Treasurer..... 10,000 00	
...	From Sale of Stores and Hides..... 271 45	
...	From Contributions at Gate..... 4 50	11,832 65
October....	From Labor..... \$2,424 50	
...	From State Treasurer..... 2,500 00	
...	From Sale of Stock, etc..... 906 07	
...	From Contributions at Gate..... 18 50	5,849 07
	Total.....	\$169,645 38

## EXHIBIT D—Continued.

## RECAPITULATION.

State Treasurer.....	\$124,600 00
Labor.....	39,971 12
Rent of Real Estate.....	1,000 00
C. Rave, for Freight.....	19 75
Sale of Stores, etc.....	843 71
Contributions at Gate.....	418 25
Sale of Stock, etc.....	1,448 56
Old Administration.....	1,343 99
Total.....	\$169,645 38

## [ E ]

*Showing the Cash Disbursements of the California State Prison from the 15th December, 1863, to 1st November, 1865.*

Date.	Nature of Expenditure.	Amount.
1863.		
December..	For account Merchandise .....	\$300 88
...	For account Salaries.....	97 50
...	For account Old Administration .....	439 02
...	For account Incidental Expenses.....	19 00
...	For account Rewards.....	30 00
...	For account Freight.....	8 10
...	For account Discharged Prisoners.....	12 50
		\$ 907 00
1864.		
January....	For account Merchandise.....	\$ 2,738 19
...	For account Salaries.....	208 34
...	For account Old Administration.....	16,924 00
...	For account Incidental Expenses.....	109 25
...	For account Rewards.....	20 00
...	For account Freight.....	49 25
...	For account Water.....	44 40
...	For account Discharged Prisoners.....	30 25
		20,123 68
February....	For account Merchandise.....	\$603 88
...	For account Salaries.....	258 10
...	For account Old Administration.....	264 00
...	For account Incidental Expenses.....	139 75
...	For account Freight.....	21 25
...	For account Discharged Prisoners.....	41 50
		1,328 48
March.....	For account Merchandise.....	\$3,119 78
...	For account Salaries.....	37 50
...	For account Old Administration.....	1,831 78
...	For account State Prison Improvem'ts.	36 80
...	For account Inventory .....	160 00
...	For account Incidental Expenses.....	124 25
...	For account Freight.....	7 75
...	For account Discharged Prisoners.....	42 00
		5,359 75
April.....	For account Merchandise.....	\$654 35
...	For account Salaries.....	173 62
...	For account Real Estate.....	146 00
...	For account Inventory .....	43 00
...	For account Incidental Expenses.....	136 00
		1,152 97
	Carried forward.....	\$28,871 88

## EXHIBIT E—Continued.

Date.	Nature of Expenditure.	Amount.
	Brought forward.....	\$28,871 88
April.....	For account Awards.....	\$80 00
...	For account Freight.....	55 00
...	For account Discharged Prisoners.....	86 00
		221 00
May.....	For account Merchandise.....	\$2,933 67
...	For account Salaries.....	2,218 33
...	For account Real Estate.....	2 50
...	For account Incidental Expenses.....	85 00
...	For account Freight.....	8 00
...	For account Discharged Prisoners.....	49 00
		5,296 50
June.....	For account Merchandise.....	\$1,512 18
...	For account Salaries.....	161 00
...	For account Old Administration.....	60 75
...	For account State Prison Improvem'ts.	221 28
...	For account Real Estate.....	118 00
...	For account Incidental Expenses.....	70 25
...	For account Freight.....	72 25
...	For account Discharged Prisoners.....	40 50
		2,256 21
July.....	For account Merchandise.....	\$3,446 91
...	For account Redemption Scrip. ....	700 00
...	For account Salaries.....	1,907 97
...	For account State Prison Improvem'ts.	370 95
...	For account Inventory .....	85 00
...	For account Water.....	200 00
...	For account Incidental Expenses.....	40 00
...	For account Freight.....	7 50
...	For account Discharged Prisoners.....	33 50
		6,791 83
August.....	For account Merchandise.....	\$803 44
...	For account Salaries.....	397 50
...	For account State Prison Improvem'ts.	183 20
...	For account Condemnation Act.....	150 00
...	For account Incidental Expenses.....	43 00
...	For account Freight.....	11 25
...	For account Discharged Prisoners.....	59 50
		1,652 89
September.	For account Merchandise.....	\$1,835 46
...	For account Salaries.....	1,312 50
...	For account Incidental Expenses.....	185 00
...	For account Freight.....	164 50
...	For account Discharged Prisoners.....	39 00
		6,536 46
	Carried forward.....	\$51,626 77

## EXHIBIT E—Continued.

Date.	Nature of Expenditure.	Amount.
	Brought forward.....	\$51,626 77
October ....	For account Merchandise.....	\$2,771 69
...	For account Salaries.....	103 67
...	For account Inventory.....	25 00
...	For account Awards.....	10 00
...	For account Freight.....	36 45
...	For account Incidental Expenses.....	60 00
...	For account Discharged Prisoners.....	54 50
		3,061 31
November.	For account Merchandise.....	\$5,532 75
...	For account Redemption of Scrip.....	1,500 00
...	For account Salaries.....	1,765 79
...	For account Old Administration.....	13,624 66
...	For account Real Estate.....	60 00
...	For account Incidental Expenses.....	70 18
...	For account Freight.....	28 80
...	For account Discharged Prisoners.....	42 00
		22,624 18
December..	For account Merchandise.....	\$2,883 23
...	For account Redemption of Scrip.....	4,164 30
...	For account Salaries.....	4,064 88
...	For account Redemption of Scrip.....	181 00
...	For account Old Administration.....	1,210 42
...	For account Incidental Expenses.....	45 00
...	For account Freight.....	5 50
...	For account Discharged Prisoners.....	47 00
		12,601 23
1865.		
January....	For account Merchandise.....	\$3,253 03
...	For account Salaries.....	753 64
...	For account Real Estate.....	100 00
...	For account Incidental Expenses.....	48 00
...	For account Freight.....	11 00
...	For account Discharged Prisoners.....	29 00
		4,194 67
February...	For account Merchandise.....	\$5,882 24
...	For account Salaries.....	1,739 50
...	For account Freight.....	4 50
...	For account Incidental Expenses.....	55 20
...	For account Discharged Prisoners.....	32 00
		7,213 44
March .....	For account Merchandise.....	\$4,320 69
...	For account Salaries.....	32 00
...	For account Awards.....	10 00
...	For account Incidental Expenses.....	104 00
...	For account Freight.....	4 50
...	For account Discharged Prisoners.....	68 00
		4,539 19
	Carried forward.....	\$105,860 89

## EXHIBIT E—Continued.

Date.	Nature of Expenditure.	Amount.
	Brought forward.....	\$105,860 89
April .....	For account Merchandise.....	\$5,827 08
...	For account Salaries.....	655 17
...	For account State Prison Improvem'ts.	240 80
...	For account Incidental Expenses.....	93 00
...	For account Freight.....	5 00
...	For account Discharged Prisoners.....	54 00
		6,875 05
May .....	For account Merchandise.....	\$5,055 35
...	For account Salaries.....	608 50
...	For account Incidental Expenses.....	45 00
...	For account Condemnation Act.....	35 35
...	For account Freight.....	13 00
...	For account Discharged Prisoners.....	65 50
		5,822 70
June .....	For account Merchandise.....	\$4,966 87
...	For account Salaries.....	410 05
...	For account Incidental Expenses.....	104 00
...	For account Freight.....	5 25
...	For account Discharged Prisoners.....	65 00
		5,551 17
July .....	For account Merchandise.....	\$7,151 44
...	For account Salaries.....	8,376 36
...	For account Redemption of Scrip.....	5,084 20
...	For account Water.....	400 00
...	For account Incidental Expenses.....	81 00
...	For account Freight.....	511 50
...	For account Discharged Prisoners.....	39 00
		21,643 50
August .....	For account Merchandise.....	\$4,721 84
...	For account Salaries.....	254 00
...	For account Redemption of Scrip.....	50 00
...	For account Incidental Expenses.....	92 50
...	For account Freight.....	1 20
...	For account Discharged Prisoners.....	34 00
		5,153 54
September.	For account Merchandise.....	\$3,793 02
...	For account Salaries.....	2,092 64
...	For account Redemption of Scrip.....	4,993 29
...	For account Incidental Expenses.....	140 00
...	For account Rewards.....	50 00
...	For account Freight.....	3 00
...	For account Discharged Prisoners.....	34 00
		11,103 95
October .....	For account Merchandise.....	\$5,588 23
...	For account Incidental Expenses.....	58 50
		5,656 73
	Carried forward.....	\$167,667 53

## EXHIBIT E—Continued.

Date.	Nature of Expenditure.	Amount.
	Brought forward.....	\$167,667 53
October.....	For account Awards.....	\$ 5 00
...	For account Freight.....	19 50
...	For account Discharged Prisoners.....	41 00
		65 50
	Total.....	\$167,723 03

## RECAPITULATION.

Merchandise.....	\$82,201 09
Salaries.....	27,628 56
Old Administration Debt.....	34,354 63
Incidental Expenses.....	1,947 88
Rewards.....	100 00
Awards.....	105 00
State Prison Improvements.....	1,053 03
Freight.....	1,054 05
Discharged Prisoners.....	1,036 75
Water.....	644 40
Inventory account.....	313 00
Real Estate.....	426 50
Condemnation Act.....	185 35
Redemption of Scrip.....	16,672 79
Total.....	\$167,723 03
Balance on hand 1st November, 1865.....	\$1,922 35

## [ F ]

## GENERAL SUMMARY

*Of Expenditures and Receipts of the California State Prison for twenty-two and one-half Months, from 15th December, 1863, to 1st November, 1865, and the Average Amount of same per Month.*

Total Expenditures, as per Exhibit B.....	\$173,379 61	
Average per month.....	\$7,705 76 04	
Total Earnings, as per Exhibit C.....		\$ 59,352 75
Average per month.....	\$2,637 90	
Deficiency of support by Prison Earnings.....		114,026 86
Average per month.....	\$5,067 86 04	
	\$173,379 61	\$173,379 61
Balance down.....	\$114,026 86	
Liabilities of Prison 15th December, 1863.....	34,382 86	
Cash received on Appropriation by State, as per Exhibit D.....		\$124,600 00
Assets of Prison 15th December, 1863.....		4,060 94
Balance due on old Debt.....	\$ 28 23	
Balance due by present Administration.....	19,720 55	19,748 78
	\$148,409 72	\$148,409 72
Debt of Prison 1st November, 1865, as per Exhibit G.....	\$19,748 78	

[ G ]

## STATEMENT

*Showing the Liabilities and Available Assets of the California State Prison  
on 1st November, 1865.*

LIABILITIES.			
Due on debt of old Administration.....	\$	28 23	
Due on books by present Administration for Salaries of Employees..	\$12,179 06		
For Merchandise .....	5,394 02		
For Scrip outstanding.....	15,710 65		
For Water.....	1,605 60		
For Freight.....	384 10	35,273 43	\$35,301 66
AVAILABLE ASSETS.			
Cash due by Contractors for Labor...	\$6,752 57		
Cash due by United States for Board of U. S. Prisoners.....	2,676 00		
Cash due by Sundry Parties.....	1,738 85		
Cash value of Commissary Stores on hand.....	2,463 11		
Cash on hand.....	1,922 35		
			15,552 88
Excess of Liabilities.....			\$19,748 78

## COMMISSARY'S REPORT.

## TABLE FIRST

Shows Total Cost of Subsistence.

## TABLE SECOND

Shows Total Cost of Prison Improvements.

## TABLE THIRD

Shows Total Cost of General Use.

## TABLE FOURTH

Shows Total Cost of Clothing.

## TABLE FIFTH

Shows Total Cost of Shoes.

## TABLE SIXTH

Shows Total Cost of Bed and Bedding.

## TABLE SEVENTH

Shows Total Cost of Stationery.

## TABLE EIGHTH

Shows Total Cost of Drugs and Medicines.

## TABLE NINTH

Shows Total Cost of Wash House.

## TABLE TENTH

Shows Total Cost of Ordnance.

## TABLE ELEVENTH

Shows Total Cost of Forage.

## TABLE TWELFTH

Shows General Summary of above.

## TABLE FIRST

*Showing the Total Cost of Subsistence Disbursed by Commissary, for Support of California State Prison, from December 15th, 1863, to November 1st, 1865.*

Monthly Expenditure.	Amount.
1863.	
December.....	\$ 772 84
1864.	
January.....	1,738 26
February.....	1,445 55
March.....	1,645 40
April.....	1,774 39
May.....	2,017 68
June.....	1,967 32
July.....	2,453 27
August.....	2,217 22
September.....	2,291 15
October.....	2,472 18
November.....	2,685 79
December.....	3,067 98
1865.	
January.....	2,886 31
February.....	3,101 24
March.....	3,228 60
April.....	3,647 70
May.....	3,169 83
June.....	3,076 92
July.....	2,746 46
August.....	2,202 63
September.....	2,395 42
October.....	2,456 62
Total amount.....	\$55,460 76

TABLE SECOND

*Showing the Total Cost of Lumber, Shingles, Brick, Iron, Hardware, Lime, Plaster, Cement, Paints and Building Material, Disbursed by Commissary for the California State Prison, from December 15th, 1863, to November 1st, 1865, exclusively for Building Purposes and the Improvement of Prison.*

Monthly Expenditure.	Amount.
1863.	
December.....	
1864.	
January.....	\$ 641 86
February.....	138 65
March.....	
April.....	239 46
May.....	
June.....	763 54
July.....	272 48
August.....	336 65
September.....	726 25
October.....	116 82
November.....	109 43
December.....	103 20
1865.	
January.....	354 08
February.....	114 07
March.....	120 00
April.....	149 15
May.....	12 00
June.....	159 44
July.....	53 75
August.....	214 02
September.....	987 33
October.....	315 60
Total amount.....	\$5,923 83

TABLE THIRD

*Showing the Total Cost of Wood, Coal, Lamps, Lights, Carpets, Furniture, Crockery and Tinware, Paints, Varnish, Oils, Hardware, Iron, Nails, Tools and Sundries. Disbursed by Commissary for the California State Prison, from December 15th, 1863, to November 1st, 1865, exclusively for Repairing and General Use of Prison.*

Monthly Expenditure.	Amount.
1863.	
December.....	\$ 178 06
1864.	
January.....	324 28
February.....	304 83
March.....	527 66
April.....	503 67
May.....	250 80
June.....	263 16
July.....	230 73
August.....	113 62
September.....	609 36
October.....	287 10
November.....	127 36
December.....	256 91
1865.	
January*.....	1,145 52
February*.....	1,090 61
March.....	84 00
April.....	160 85
May.....	139 81
June*.....	1 652 72
July.....	938 83
August.....	175 35
September.....	291 97
October.....	349 74
Total amount*.....	\$10,006 94

\*NOTE.—In the account of the Indebtedness and Liabilities of Administration of 1863, there were omitted accounts to the amount of \$1,743 17. These accounts have since been rendered and paid, and are included in Disbursements of January, February and June, 1865. Properly this amount should have appeared as indebtedness of former Administration, but having been entered on the books, could not have been reported other than above.



TABLE FOURTH

*Showing the Total Cost of Clothing Disbursed by Commissary for Support of California State Prison from December 15th, 1863, to November 1st, 1865.*

Monthly Expenditure.	Amount.
1863.	
December.....	\$ 154 85
1864.	
January.....	203 73
February.....	204 92
March.....	213 53
April.....	403 22
May.....	97 34
June.....	210 31
July.....	217 47
August.....	239 18
September.....	288 05
October.....	205 28
November.....	131 87
December.....	118 71
1865.	
January.....	186 43
February.....	537 27
March.....	963 58
April.....	623 00
May.....	287 24
June.....	626 75
July.....	839 12
August.....	485 93
September.....	438 69
October.....	659 55
Total amount.....	\$8,336 02

TABLE FIFTH

*Showing the Total Cost of Shoes Disbursed and Repaired by Commissary for Support of California State Prison from December 15th, 1863, to November 1st, 1865.*

Monthly Expenditure.	Amount.
1863.	
December.....	\$ 71 52
1864.	
January.....	148 50
February.....	122 15
March.....	172 10
April.....	165 03
May.....	136 37
June.....	78 28
July.....	62 60
August.....	61 00
September.....	122 25
October.....	177 26
November.....	135 94
December.....	90 83
1865.	
January.....	118 17
February.....	200 44
March.....	62 08
April.....	217 75
May.....	108 61
June.....	195 10
July.....	104 74
August.....	160 04
September.....	160 37
October.....	92 57
Total amount.....	\$2,963 70

TABLE SIXTH

*Showing the Total Cost of Bed and Bedding disbursed by Commissary for the support of California State Prison from December 15th, 1863, to November 1st, 1865.*

Monthly Expenditure.	Amount.
1863.	
December.....	
1864.	
January.....	\$ 52 50
February.....	107 54
March.....	134 25
April.....	108 07
May.....	62 05
June.....	43 50
July.....	130 50
August.....	122 26
September.....	356 46
October.....	238 69
November.....	178 12
December.....	203 15
1865.	
January.....	169 25
February.....	208 00
March.....	432 00
April.....	572 00
May.....	233 44
June.....	229 88
July.....	56 00
August.....	240 46
September.....	192 35
October.....	284 76
Total amount.....	\$4,355 23

TABLE SEVENTH

*Showing the Total Cost of Stationery disbursed by the Commissary for support of the California State Prison from December 15th, 1863, to November 1st, 1865.*

Monthly Expenditure.	Amount.
1863.	
December.....	\$131 25
1864.	
January.....	14 50
February.....	8 00
March.....	7 25
April.....	9 50
May.....	29 74
June.....	9 62
July.....	.. ..
August.....	.. ..
September.....	9 25
October.....	8 25
November.....	10 75
December.....	14 25
1865.	
January.....	13 75
February.....	3 00
March.....	39 00
April.....	9 50
May.....	.. ..
June.....	24 50
July.....	20 00
August.....	12 12
September.....	25 37
October.....	30 25
Total amount.....	\$429 85

TABLE EIGHTH

*Showing the Total Cost of Drugs and Medicines disbursed by Commissary, by order of the Visiting Physician, for support of the California State Prison from 15th December, 1863, to 1st November, 1865.*

Monthly Expenditure.	Amount.
1863.	
December .....	\$ 28 50
1864.	
January .....	11 25
February .....	69 75
March .....	90 50
April .....	92 25
May .....	75 25
June .....	24 00
July .....	91 00
August .....	19 98
September .....	51 50
October .....	30 13
November .....	37 41
December .....	...
1865.	
January .....	94 65
February .....	80 64
March .....	97 62
April .....	71 50
May .....	77 88
June .....	27 50
July .....	63 25
August .....	92 15
September .....	15 00
October .....	111 25
Total amount .....	\$1, 52 96

TABLE NINTH

*Showing the Total Cost of disbursements by Commissary for account of Wash House of the California State Prison from the 15th December, 1863, to 1st November, 1865.*

Monthly Expenditure.	Amount.
1863.	...
December .....	...
1864.	\$ 28 10
January .....	4 70
February .....	...
March .....	9 00
April .....	104 97
May .....	14 94
June .....	...
July .....	...
August .....	9 90
September .....	89 60
October .....	14 25
November .....	9 70
December .....	...
1865.	12 10
January .....	12 82
February .....	25 06
March .....	96 20
April .....	22 00
May .....	18 60
June .....	29 34
July .....	83 73
August .....	31 26
September .....	30 64
October .....	...
Total amount .....	\$646 31

TABLE TENTH

*Showing the Total Cost of Ordnance disbursed by Commissary for the support of the California State Prison from 15th December, 1863, to 1st November, 1865.*

Monthly Expenditure.	Amount.
1863.	
December.....	... ..
1864.	
January.....	... ..
February.....	... ..
March.....	\$ 18 50
April.....	127 00
May.....	395 33
June.....	39 50
July.....	11 50
August.....	... ..
September.....	... ..
October.....	... ..
November.....	... ..
December.....	35 50
1865.	
January.....	... ..
February.....	322 62
March.....	28 00
April.....	... ..
May.....	... ..
June.....	6 25
July.....	6 75
August.....	3 60
September.....	22 00
October.....	... ..
Total amount.....	\$1,016 55

TABLE ELEVENTH

*Showing the Total Cost of Forage and Feed disbursed by Commissary for the Live Stock of the California State Prison from December 15th, 1863, to November 1st, 1865.*

Monthly Expenditure.	Amount.
1863.	
December.....	... ..
1864.	
January.....	\$ 72 03
February.....	136 57
March.....	70 29
April.....	42 99
May.....	51 74
June.....	103 16
July.....	124 61
August.....	147 14
September.....	214 00
October.....	379 83
November.....	484 86
December.....	... ..
1865.	
January.....	76 73
February.....	216 44
March.....	150 00
April.....	162 10
May.....	80 99
June.....	... ..
July.....	108 40
August.....	84 67
September.....	52 12
October.....	64 86
Total amount.....	\$2,823 53

## TABLE TWELFTH.

## GENERAL SUMMARY

*Of Disbursements by Commissary for support of California State Prison from December 15th, 1863, to November 1st, 1865.*

Disbursements.	Amount.
For Subsistence.....	\$55,460 76
For Prison Improvements.....	5,923 83
For General Use and Repairs.....	10,006 94
For Clothing.....	8,336 02
For Shoes and Repairing.....	2,963 70
For Bed and Bedding.....	4,355 23
For Stationery.....	429 85
For Medicines.....	1,352 96
For Wash House.....	646 31
For Ordnance.....	1,016 55
For Forage.....	2,823 53
Total amount.....	\$93,315 68

## EXHIBIT

*Showing the total number of pounds of Provisions, etc., issued, including cost, from December 15th, 1863, to November 1st, 1865; also, the average number of pounds issued per month, including cost, etc.*

Articles Issued.	Total Number of Pounds	Average Number of Pounds per Month.
Beef.....	398,892	17,728.53
Bacon.....	19,786	879.40
Flour.....	407,284	18,101.51
Potatoes.....	234,915	10,440.66
Beans.....	170,891	7,595.15
Corn Meal.....	11,750	522.22
Salt.....	50,593	2,248.57
Butter.....	10,302	457.87
Sugar.....	15,750	700.00
Coffee.....	6,114	271.73
Tea.....	2,122	94.31
Hominy.....	1,575	70.00
Pepper.....	1,215	54.00
Rice.....	1,485	66.90
Lard.....	1,935	86.00
Groceries, etc.....	14,860	660.44
Total amounts.....	1,349,469	59,976.30
Total cost of Provisions.....		\$55,460 76
Average cost per month.....		2,464 924

## EXHIBIT

*Showing the number of pounds of provisions, etc., issued daily, including Cost; also, the average number of pounds and Cost to each person, including Officers, Employees and Prisoners.*

Articles Issued.	Total Pounds.
Beef.....	595.98
Bacon.....	29.31
Flour.....	603.38
Potatoes.....	348.02
Beans.....	253.17
Corn Meal.....	17.40
Salt.....	74.95
Butter.....	15.26
Sugar.....	23.33
Coffee.....	9.05
Tea.....	3.14
Hominy.....	2.33
Pepper.....	1.80
Rice.....	2.20
Lard.....	2.87
Groceries, etc.....	22.05
Total amount average.....	1,999.21
Total cost per day.....	\$82 16
Average number of pounds to each person.....	3 lbs 4 oz.
Average cost of ration per day to each person.....	\$9 13.86

## EXHIBIT

*Showing the total amount of Clothing issued from December 15th, 1863, to November 1st, 1865, including cost; also the monthly average and cost.*

Articles Issued.	Pairs.	Value.
Whole number Pants issued.....	2,003	
Average number per month.....	89.02	
Whole number of Shirts issued.....	1,758	
Average number per month.....	78.13	
Whole number of Coats issued.....	127	
Average number per month.....	5.641	
Whole number of Hats issued.....	131	
Average number per month.....	5.82	
Total cost of Clothing.....		\$8,336.02
Average cost per month.....		376.49

\* NOTE.—Of the above, \$848 65 has been expended on Prisoners discharged.

## EXHIBIT

*Showing the total number of Shoes purchased issued and repaired, from December 15th, 1863, to October 1st, 1865, including Cost, etc; also, the monthly average of the number issued and repaired, including Cost, etc.*

Issued.	Number.	Value.
Whole number issued.....	740	
Average monthly issue.....	77.89	
Whole number repaired.....	1,006	
Average monthly repairs.....	105.89	
Total cost of Shoes.....		\$ 781 42
Average per month.....		82 14
Total cost of repairing.....		612 30
Total average per month.....		64 45
Total cost of Shoes and repairing.....		1,393 72
Total average per month.....		146 59
Average cost of Shoes per pair.....		1 05½
Average cost of repairing per pair.....		60½

NOTE.—Prior to October 1st, 1864, the State purchased all the Shoes for Prisoners, Since October 1st, 1864, the State has manufactured all the Shoes for Prisoners.

## EXHIBIT

*Showing the total number of Shoes manufactured, issued and repaired, from October 1st, 1864, to November 1st, 1865, including cost, etc.; also monthly average of the number issued and repaired, including cost, etc.*

Issued.	Number.	Value.
Whole number issued.....	992	
Average monthly issues.....	76 4-13	
Whole number repaired.....	1,103	
Average monthly repairs.....	84 11-13	
Total cost of Shoes.....		\$908 18
Average per month.....		69 86
Total cost of repairing.....		661 80
Average per month.....		50 90½
Total cost of Shoes and repairing.....		\$1,569 98
Total average per month.....		120 76½
Average cost of Shoes per pair.....		\$0 91½
Average cost of Repairing per pair.....		60

NOTE.—It will be noticed by the above Tables that the State has saved fourteen cents per pair by manufacturing the shoes for prisoners, and that they were far superior in quality to those purchased will be seen by the average issues and repairs in both cases, as the average number of prisoners was much larger since than prior to October 1st, 1864, as will also be seen by the Table showing monthly average of prisoners.

## EXHIBIT

*Showing the total amount of Bedding issued from December 15th, 1863, to November 1st, 1865, including cost; also the monthly average of the same and cost.*

Articles Issued.	Number.	Cost.
Total number of Blankets issued.....	812	
Average per month.....	36 1-11	
Total number of Quilts and Spreads.....	28	
Average per month.....	1 $\frac{1}{2}$	
Total number of Sheets issued.....	55	
Average per month.....	2	
Total number of Mattresses issued.....	672	
Average per month.....	29 $\frac{2}{3}$	
Total cost of above.....		\$4,355 23
Average cost per month.....		193 53 $\frac{1}{2}$

## EXHIBIT

*Showing the total amount of Soap, Soda, Potash, etc., issued for Wash House from December 15th, 1863, to November 1st, 1865, including total cost and monthly average cost.*

Articles Issued.	Cost.
1,803 pounds Potash.....	\$223 22
629 pounds Washing Soda.....	29 50
323 pounds Starch.....	39 36
3,256 pounds Bar Soap.....	308 44
7 pounds Sperm.....	1 54
4 dozen bottles Blue.....	12 40
2 pounds Washing Blue.....	1 00
4 dozen Indelible Ink.....	8 00
2 dozen India Ink.....	4 25
Flat Irons, Wash Boards, etc.....	18 60
Total amount.....	\$646 31
Average cost per month.....	\$28 72 $\frac{1}{2}$



## EXHIBIT

*Showing the total amount and kinds of Ordnance issued by Commissary to Captain of Guard for use of California State Prison from December 15th, 1863, to November 1st, 1865, including cost and monthly average of same.*

Articles Issued.	Cost.
15 Henry's Rifles.....	\$556 00
8 Colt's Pistols.....	114 00
21 Colt's Pistol Flasks.....	13 25
2 M Rifle Cartridges.....	38 75
14 M Rifle and Pistol Caps.....	28 75
7 kegs Powder.....	50 12
200 feet Fuse.....	3 60
250 pounds Bar Lead.....	28 25
94 yards Flannel, for Cannon.....	51 03
Paints and Varnish, for cannon leather, for washers, tools and sundries for Armory.....	132 80
Total cost.....	\$1,016 55
Average cost per month.....	\$45 18

## EXHIBIT

*Showing the total number of pounds of Forage issued, including cost, from December 15th, 1863, to November 1st, 1865; also the number of pounds issued per month, including cost.*

Articles Issued.	Total Number Pounds.	Average lbs. per Month.
Barley.....	62,688	2,786.13
Wheat.....	5,633	250.36
Bran.....	4,806	213.60
Hay*.....	101,207	4,498.69
Corn Meal.....	2,000	88.88
Cracked Corn.....	1,503	66.80
Beets and Vegetables.....	5,420	240.88
Total.....	173,257	8,144.74
Total cost of Forage.....		\$2,823 53
Average cost per month.....		125 48 $\frac{1}{2}$

\* NOTE.—A large portion of this amount has been used for making and re-filling mattresses.

## LIVE STOCK ON HAND NOVEMBER 1st, 1865.

6 Horses.  
2 Cows and Calves.  
172 Hogs.  
260 Ducks, Chickens and Geese.

## EXHIBIT

*Showing the average cost of Sustaining a Prisoner with Subsistence, Clothing, Bed and Bedding, for one year.*

Articles.	Value.
For Subsistence.....	\$50 58.90
For Clothing.....	7 49.80
For Shoes and Repairing.....	5 24.33
For Bed and Bedding.....	3 75.00
Total amount.....	\$67 08.03

## TURNKEY'S REPORT.

TABLE FIRST.

Persons received, discharged, escaped, died, etc.

TABLE SECOND.

Classification of crime.

TABLE THIRD.

Number of prisoners from each county.

TABLE FOURTH.

Terms of imprisonment.

TABLE FIFTH.

Ages of prisoners.

TABLE SIXTH.

Nativity of prisoners.

TABLE SEVENTH.

Occupation when sentenced.

TABLE EIGHTH.

Number of prisoners during each month of 1864 and 1865.

TABLE NINTH.

Number of prisoners escaped and recaptured during years 1864 and 1865.

TABLE TENTH.

Educational acquirements of prisoners.

TABLE ELEVENTH.

Recapitulation 1864 and 1865.

TABLE TWELFTH.

Distribution of prisoners in the Prison building.

TABLE THIRTEENTH.

Number of prisoners serving first, second, third term, etc.

TABLE FOURTEENTH.

Occupation of prisoners in the prison.

TABLE FIFTEENTH.

Days credit to prisoners under Act of April 4th, 1864.

TABLE FIRST.

*Prison Account from 1851 to November 1st, 1865.*

YEARS.	Prisoners received.....	Escapes recaptured.....	Discharged by expiration of sentence.....	Discharged under Act approved April 4th, 1864	Restored to citizenship.....	Pardoned .....	Escaped.....	Died and killed.....	Sent to Insane Asylum, .....	New Trial and Habens Corpus.....	Total Receipts.....	Total discharges.....
1851.....	35						1				35	1
1852.....	105	3	12			2	6	1			108	21
1853.....	163	2	38			9	8	3			165	58
1854.....	211	16	102			14	87	6			227	209
1855.....	266	25	94		1	29	28	1		4	291	157
1856.....	258	29	103		4	18	65	5		1	287	196
1857.....	245	32	114			28	72	14	2	4	277	234
1858.....	226	33	94		32	27	23	5	3	7	259	191
1859.....	220	50	119		16	38	95	17	1	13	270	299
1860.....	295	20	145		1	25	127	7	2	7	315	314
1861.....	238	9	130			34	35	8	1	4	247	212
1862.....	190	74	153		4	11	90	15	8	5	264	282
1863.....	163	4	134			24	24	4		7	137	193
1864.....	232	2	66	98	43	11		17	1	3	234	196
1865.....	235	1	3	134	7	11	1	8	3	10	236	176

TABLE SECOND.

*Classification of Crime.*

Character.	Number.
*Murder.....	8
Murder, second degree.....	90
Manslaughter.....	46
Assault with intent to kill.....	35
Assault with deadly weapon.....	5
Mayhem.....	3
Rape.....	10
Assault with intent to rape.....	11
Crime against nature.....	2
Robbery.....	57
Assault with intent to rob.....	9
Burglary.....	103
Attempt to commit burglary.....	
Arson.....	8
Attempt to commit arson.....	2
Arson, second degree.....	2
Embezzlement.....	2
Forgery.....	7
Perjury.....	3
Counterfeiting.....	7
Receiving stolen goods.....	
Breaking jail.....	1
Felony.....	8
Grand larceny.....	212
Attempt to commit grand larceny.....	3
Illegal voting.....	1
Housebreaking.....	4
Bigamy.....	
Resisting authority of U. S. Naval Officer.....	1
Desertion U. S. Navy.....	1
Violation of the laws and usages of civilized war.....	7
Total.....	648

TABLE THIRD.

*Number of Prisoners from each County.*

County.	Number.
Alameda.....	14
Amador.....	18
Butte.....	19
Calaveras.....	40
Colusa.....	4
Contra Costa.....	8
El Dorado.....	24
Fresno.....	2
Humboldt.....	2
Klamath.....	1
Los Angeles.....	47
Marin.....	9
Mariposa.....	19
Mendocino.....	5
Merced.....	2
Monterey.....	6
Napa.....	9
Nevada.....	34
Placer.....	21
Plumas.....	4
Sacramento.....	59
Santa Barbara.....	4
San Bernardino.....	9
Santa Clara.....	19
Santa Cruz.....	5
San Diego.....	2
San Francisco.....	141
San Luis Obispo.....	3
San Mateo.....	12
San Joaquin.....	9
Shasta.....	3
Sierra.....	13
Siskiyou.....	12
Solano.....	6
Sonoma.....	15
Stanislaus.....	1
Sutter.....	2
Tehama.....	3
Trinity.....	4
Tulare.....	1
Tuolumne.....	14
Yolo.....	5
Yuba.....	9
U. S. Sloop of War Lancaster.....	2
Fort Alcatraz.....	7
Total.....	648

TABLE FOURTH.

*Term of Imprisonment.*

Duration of Sentence.	Number.
Life .....	25
Twenty years and upwards.....	15
Fifteen to twenty years.....	7
Ten to fifteen years.....	144
Seven to ten years.....	52
Five to seven years.....	38
Five years.....	88
Four years.....	50
Three years.....	115
Two years.....	78
One year.....	36
Less than one year.....	...
Total.....	648

TABLE FIFTH.

*Ages of Prisoners.*

Age.	Number
Twenty years and less.....	32
Twenty to twenty-five years.....	106
Twenty-five to thirty years.....	161
Thirty to thirty-five years.....	139
Thirty-five to forty years.....	101
Forty to fifty years.....	83
Fifty years and upwards.....	26
Total.....	648

TABLE SIXTH—*Nativity of Prisoners.*

UNITED STATES.

State.	Number.
Alabama.....	3
Arkansas.....	6
Connecticut.....	5
Illinois.....	10
Indiana.....	9
Kentucky.....	19
Louisiana.....	5
Maine.....	9
Maryland.....	12
Massachusetts.....	12
Michigan.....	2
Mississippi.....	1
Missouri.....	15
New Hampshire.....	2
New Jersey.....	3
New York.....	39
North Carolina.....	4
Ohio.....	16
Pennsylvania.....	23
Rhode Island.....	2
South Carolina.....	3
Tennessee.....	10
Texas.....	2
Vermont.....	5
Virginia.....	7
Iowa.....	1
Georgia.....	2
Wisconsin.....	0
Total.....	227

TABLE SIXTH—Continued.

## FOREIGN.

Country.	Number.
England.....	39
Scotland.....	8
Wales.....	2
Ireland.....	72
France.....	10
Sweden.....	3
Germany.....	23
Poland.....	...
Italy.....	5
Portugal.....	3
Mexico.....	56
Chile.....	11
California.....	68
Brazil.....	3
West Indies.....	3
Panama.....	1
Manilla.....	4
China.....	81
Australia.....	2
Prussia.....	4
Russia.....	2
Polynesia.....	...
Peru.....	2
Ecuador.....	2
Isle of Man.....	1
Malta.....	1
Denmark.....	4
Norway.....	3
Greece.....	2
Canada.....	4
Austria.....	2
Total.....	421
Natives of the United States, brought forward.....	227
Total.....	648

TABLE SEVENTH.

*Occupation when Sentenced.*

Occupation.	Number.
Blacksmiths.....	12
Bakers.....	10
Butchers.....	6
Brickmasons.....	2
Barkeepers.....	4
Barbers.....	2
Cooks.....	23
Cabinet-makers.....	4
Cigar-makers.....	5
Carpenters.....	19
Chandlers.....	1
Clerks.....	14
Druggists.....	1
Farmers.....	33
Glass-blowers.....	1
Gunsmiths.....	2
Gold-beater.....	1
Laborers.....	289
Moulders.....	2
Miners.....	58
Machinists.....	7
Merchants.....	9
Millers.....	2
Hatters.....	4
Printers.....	2
Physicians.....	7
Painters.....	...
Plasterers.....	45
Seamen.....	3
Silversmiths.....	2
Seamstresses.....	6
Saddlers.....	2
Sail-makers.....	17
Shoemakers.....	7
Tailors.....	2
Tinners.....	2
Upholsterers.....	18
Vaqueros.....	5
Waiters.....	1
Wood Turner.....	10
Washmen.....	1
Weaver.....	3
Wheelwrights.....	4
Fishermen.....	...
Total.....	648

TABLE EIGHTH.

*Number of Prisoners at various periods during the Years 1864-65.*

Time.	Number.
December 15th, 1863.....	551
January 15th, 1864.....	553
February.....	547
March.....	553
April.....	555
May.....	546
June.....	550
July.....	557
August.....	584
September.....	576
October.....	580
November.....	573
December.....	589
January 31st, 1865.....	600
February 28th.....	604
March 31st.....	611
April 30th.....	626
May 31st.....	637
June 30th.....	628
July 31st.....	641
August 31st.....	643
September 30th.....	641
October 31st.....	648
November.....	.....

TABLE NINTH.

*Prisoners Escaped and Recaptured during the year 1864.*

Escaped.	Number.	Recaptured.	Number.
December 15th, 1863.....	.....	December 15th, 1863.....	.....
January 15th, 1864.....	.....	January 15th, 1864.....	.....
February.....	.....	February.....	.....
March.....	.....	March.....	1*
April.....	.....	April.....	.....
May.....	.....	May.....	.....
June.....	.....	June.....	1*
July.....	.....	July.....	.....
August.....	.....	August.....	.....
September.....	.....	September.....	.....
October.....	.....	October.....	.....
November.....	.....	November.....	.....
December.....	.....	December.....	.....
January, 1865.....	.....	January, 1865.....	.....
February.....	.....	February.....	.....
March.....	.....	March.....	.....
April.....	.....	April.....	.....
May.....	.....	May.....	.....
June.....	.....	June.....	.....
July.....	.....	July.....	.....
August.....	.....	August.....	.....
September.....	1	September.....	1
October.....	.....	October.....	.....
November.....	.....	November.....	.....

\*Escaped under administration of 1863.

TABLE TENTH.

*Educational abilities of Prisoners.*

Nativity.	Read.	Write.	Both.	Neither.	Total.
United States.....	216	216	216	11	227
England.....	22	22	22	17	39
Scotland.....	8	8	8		8
Ireland.....	48	48	48	24	72
France.....	9	9	9	1	10
Sweden.....	2	2	2	1	3
Germany.....	20	20	20	3	23
Italy.....	5	5	5		5
Portugal.....	2	2	2	1	3
Mexico.....	19	19	19	37	56
California.....	19	19	19	49	68
Chile.....	7	7	7	4	11
Brazil.....				3	3
West Indies.....	1	1	1	2	3
Manilla.....	1	1	1	3	4
China.....	46	46	46	35	81
Austria.....	2	2	2		2
Prussia.....	4	4	4		4
Russia.....	1	1	1	1	2
Panama.....	1	1	1		1
Polynesia.....					
Peru.....				2	2
Ecuador.....	2	2	2		2
Isle of Man.....	1	1	1		1
Malta.....	1	1	1		1
Denmark.....	2	2	2	2	4
Norway.....	1	1	1	2	3
Greece.....	1	1	1	1	2
Canada.....	3	3	3	1	4
Australia.....	2	2	2		2
Wales.....	2	2	2		2
Total.....					648

TABLE TENTH—Continued.

RECAPITULATION.

NATIVITY.	Total Read....	Total Write....	Total Both.....	Total Neither..	Total .....
United States.....	216	216	216	11	227
Foreign.....	213	213	213	140	353
Native Californians.....	19	19	19	49	68
Totals.....	448	448	448	200	648
Total Number of Prisoners.....					648



TABLE ELEVENTH.

RECAPITULATION FOR 1864.

MONTHS.	Total Receipts.....	Total Discharges.....	Returned from Insane Asylum.....	Discharged by Writ and New Trial.....	Died and killed.....	Restored to citizenship.....	Pardoned.....	Discharged by expiration of sentence.....	Disch'd under provisions of Act approved 4th April, 1864...	Escapes returned on new charges.....	Escapes returned.....	Taken to Insane Asylum.....	New Prisoners received.....
December 15th, 1863.....	6	5						5					
January 15th, 1864.....	9	10						10					
February 15th, 1864.....	20	19	1		1			19					
March 15th, 1864.....	21	14			1			14		1*	1*		
April 15th, 1864.....	12	12			6			12					
May 15th, 1864.....	26	12			1			12					
June 15th, 1864.....	12	10			1			10		1*			
July 15th, 1864.....	33	10			2			9					
August 15th, 1864.....	16	12			1			2					
September 15th, 1864.....	19	11			2			1		1*			
October 15th, 1864.....	20	13			1			2					
November 15th, 1864.....	28	14			1			1		1*			
December 15th, 1864.....	7	9						1					
Totals.....	229	196	1	10	17	43	11	66	98	3*	2*	1	

\* Escaped under the Administration of 1863.

TABLE ELEVENTH—Continued.

RECAPITULATION FOR 1865.

MONTHS.	Total Receipts.....	Total discharges.....	Returned from Insane Asylum.....	Discharged by Writ and New Trial.....	Died and killed.....	Escaped.....	Restored to citizenship.....	Pardoned.....	Discharged by expiration of sentence.....	Disch'd under provisions Act April 4th, 1864.	Escapes returned.....	Taken to Insane Asylum.....	New Prisoners received.....
December 15th, 1864.....	8	11											
January 15th, 1865.....	22	14											
February.....	18	23											
March.....	40	16											
April.....	21	17											
May.....	29	28											
June.....	19	14											
July.....	27	15											
August.....	17	13											
September.....	11	17											
October.....	23	17											
November.....													
December.....													
Totals.....	235	176	1	10	17	43	11	66	98	3*	2*	1	

TABLE TWELFTH.

*Number of Prisoners confined in the different rooms and cells of Prison.*

Main Prisons.	Description.	Number.
Old Prison, in cells.....	Whites, Mexicans and Californians..	184
New Prison No. 1, in cells	Chinese, Whites and Californians.....	66
New Prison No. 2, in cells.	White.....	4
Basement old Prison—		
Room A.....	Indians, Mexicans and Californians .	42
Room 1.....	Negroes.....	16
Room 2.....	Whites.....	39
Room 3.....	Whites.....	38
Room 4.....	Californians and Mexicans.....	45
Room 5.....	Whites.....	34
Room 6.....	Chinese.....	46
Dungeon.....	Whites.....	2
NEW PRISON, KNOWN AS COUNTY JAIL.		
Room, County Jail.....	Whites and Negroes.....	43
Room D.....	Whites.....	38
Room E.....	Whites, Mexicans and Chinese.....	38
Hospital.....	.....	11
Women's Department.....	.....	2
Total number of Prisoners, October 31st, 1865.....		648

TABLE THIRTEENTH.

*Number of Terms.*

Terms.	Number.
Number of prisoners serving their first term.....	529
Number of prisoners serving their second term.....	95
Number of prisoners serving their third term.....	14
Number of prisoners serving their fourth term.....	7
Number of prisoners serving their fifth term.....	2
Number of prisoners serving their sixth term.....	1
Total.....	648

TABLE FOURTEENTH

*Occupation of Prisoners in the California State Prison, November 1st, 1865.*

Occupation.	Number.
Working at Shoemaking.....	69
Working at Tailoring.....	52
Working at Saddle and Harness-making.....	100
Working at Coopering.....	52
Working at Brick-making.....	100
Working at Laundry.....	20
Working at Water Works.....	5
Working at Wood Yard.....	5
Working at Carpentering.....	11
Working at Blacksmithing.....	9
Working at Painting.....	3
Working at Kitchen and Bakery.....	7
Working at Dining Room.....	11
Working as Bakers.....	3
Working at State Shoe Shop.....	9
Working at Tailor Shop.....	7
Working at Harness Making.....	1
Working as Room tenders.....	17
Working as Yard tenders.....	5
Working as Mattress-makers and Finishers.....	5
Working as Lamp Lighters.....	1
Working as White Washers.....	2
Working as Gate Keepers.....	4
Working as Hospital Stewards.....	1
Working as Office-men.....	4
Working as Outside Cooks, Waiters, etc.....	31
Working as Gardeners.....	4
Working at Oakum Shop.....	20
Working at Tin Shop.....	2
Working at Tending Water Closets.....	3
Men on Reserve List.....	51
Sick in Hospital.....	10
Women.....	2
Indigent.....	19
Barbers.....	3
Total number of Prisoners.....	648

TABLE FIFTEENTH.

*Showing the total amount of days allowed to Prisoners under provisions of the Act approved April 4th, 1864, from its passage to 31st October, 1865.*

Days.	Number.
Total number of days.....	51,589



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FIRST BIENNIAL REPORT  
OF THE  
*Trustees of the State Library,*  
FOR  
THE YEARS 1864-65.

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# REPORT.

SACRAMENTO,  
January 1st, 1865. }

TO THE LEGISLATURE OF THE STATE OF CALIFORNIA :

The number of books now in the Library, not including duplicates, is twenty thousand one hundred and seven, (20,107,) of which seven thousand five hundred and eighty-nine (7,589) are in the law department, and twelve thousand five hundred and eighteen (12,518) are in the miscellaneous department.

The number of books added to the Library in eighteen hundred and sixty-four and eighteen hundred and sixty-five, is three thousand three hundred and forty four, (3,344,) of which three thousand and forty-four (3,044) were purchased, and by exchange and donation, three hundred, (300.)

The following is a list of the books received from other States by exchange, and from individuals by donation :

Donor.	Title.	Date.
Connecticut.....	Supreme Court Reports, Volume 13..... Private Acts of Special Session, 1863-'64... Public Acts of Special Session, 1863-'64.....	1865
Dakota.....	Laws of 1863-'64..... House Journal and Council Journal of 1863-'64.....	1864
Delaware.....	Laws of 1863, January and June Session, pamphlet, 3 copies.....	1864
Illinois.....	Illinois Reports, Volumes 27, 28, 29 and 30 Breese's Illinois Reports, Volume 1..... Public Laws of 1863..... Private Laws of 1863.....	1864

O. M. CLAYES.....STATE PRINTER.

Donor.	Title.	Date.
Illinois.....	Adjutant-General Fuller's Report, 1861-'62 Fourth Report of Superintendent of Public Instruction, 1861-'62, pamphlet.....	
Indiana.....	Indiana Reports, Volumes 18, 19, 20, 21, and 22..... House Journal, 1863..... Senate Journal, 1863..... Documentary Journal, Part 2, Volume 1, 1863..... Documentary Journal, 1862..... Acts of 1863.....	1865
Iowa.....	Iowa Reports, Volume 14..... Laws of 1864, 3 copies..... Iowa Reports, Volumes 15 and 16..... Adjutant-General's Report, 1864.....	1864 1865
Kentucky.....	Acts of 1863-'64..... Metcalf's Reports, Volume 4..... Adjutant-General's Report, 1864..... School Report for 1863..... Laws of 1865, 2 volumes, 2 copies..... House Journal of 1865..... Senate Journal of 1865..... Documents of 1863-'64..... Documents of 1864..... School Reports of 1864, pamphlet.....	1864 1865
Maine.....	Adjutant-General's Report of 1863..... Maine Reports, Volume 49..... Agriculture of Maine, 1863..... Adjutant-General's Report, 1863..... Legislative Documents, 1864..... Acts and Resolves, 1864, 2 copies.....	1864 1865
Maryland.....	Maryland Reports, Volume 19..... Laws of 1864..... House Journal and Documents, 1864..... Senate Journal and Documents, 1864..... Constitution of, ratified and adopted in 1864.....	1864 1865
Michigan.....	Michigan Reports, Volume 11..... Laws of 1864..... Laws of 1865..... Joint Documents, 1864..... Statistics, 1864..... Michigan Reports, Volume 12.....	1864 1865
Minnesota.....	Minnesota Reports, Volume 6, 7..... Senate Journal, 1863.....	1864

Donor.	Title.	Date.
Minnesota.....	House Journal, 1863..... Laws of 1864..... Executive Documents, 1863..... Senate Journal, 1864..... House Journal, 1864.....	1865
Nebraska.....	House Journal of the Legislative Assembly, 1865..... Council Journal of the Legislative Assem- bly, 1865..... Laws of 1865..... Governor's Message, 1865.....	1865
Nevada.....	Laws of Nevada, 1862, 3 copies..... Assembly Journal, 1864-'65, 2 copies.....	1864 1865
New Hampshire..	New Hampshire Reports, Vol. 43, (Chan- dler, 6)..... Journal of the Senate and House, 1863, 3 copies..... Report upon Common Schools, 1863, 2 pam- phlets..... New Hampshire Reports, Vols. 16, 17, 44..... Laws of June and August Session, 1864.....	1864 1865
New Jersey.....	New Jersey Chancery Reports, Volume 13, (Beasley, 2)..... New Jersey Law Reports, Volume 29, (Dutcher, 5)..... Hixon's Digest, third edition of the Laws of New Jersey, 1709-1861..... Acts of New Jersey, 1864..... Legislative Documents, 1864..... Register of New Jersey Volunteers in the United States service.....	1865
New York.....	Assembly Journal, 1863..... Senate Journal, 1863..... Assembly Documents, 1863, 9 volumes..... Senate Documents, 1863, 5 volumes..... Laws of 1863..... Transactions of State Agricultural Society, 1862..... Barbour's Reports, Volume 40..... Laws of 1864..... New York Insurance Report, 1864..... Regent's Report, 1864..... Report of Trustees of State Library, 1864.....	1864 1865 1865

Donor.	Title.	Date.
New York .....	Report of Superintendent of Public Instruction, 1864..... Regents of University, Report on State Cabinet of Natural History, 1864, pamphlet..... Dr. Peters' Report on the Longitude of Elmira, pamphlet.....	
Ohio .....	Auditor's Report, Receipts and Disbursements, 1862..... Ohio State Reports, Volume 14..... Laws of Ohio, 1864-'65..... Statistics, 1863-'64..... Agricultural Reports, 1863, second series... Agricultural Report, 1864, second series.... Senate Journal, 1864..... House Journal, 1864..... Executive Documents, 2 volumes, 1864..... Adjutant-General's Report, 1864, pamphlet Report of the Commissioners of State Library, 1864, pamphlet..... Annual Message of the Governor, 1864, pamphlet..... Report of the Auditor of State, 1864, pamphlet..... Detailed Statement of Receipts, etc., of the public money at the State Treasury, 1864, pamphlet.....	1864 1865
Pennsylvania .....	Pennsylvania State Reports, Volumes 43, 44..... Adjutant-General's Report, 1863..... Railroad Reports, 1863..... School Reports, 1863..... Report of Chief of Transportation and Telegraph, 1863, pamphlet..... Report of State Librarian, 1863, pamphlet.. Report of Surveyor-General, 1863, pamphlet..... Report of Board of Military Claims, 1863, pamphlet..... Senate Journal, 1864..... House Journal, 1864..... Executive Documents, 1863, 2 volumes..... Legislative Documents, 1864..... Laws of 1864-'65..... Pennsylvania State Reports, Volume 46.... School Reports, 1864..... Report of Select Committee relative to the Soldiers' National Cemetery..... Executive Documents, 1864, 2 volumes..... Legislative Documents, 1865, 2 volumes...	1864 1865

Donor.	Title.	Date.
Pennsylvania .....	Addresses on the Death of Hon. R. H. Reed..... House Journal, 1865..... Senate Journal, 1865..... Adjutant-General's Report of 1862, '64, '65 Report of State Librarian, 1864, pamphlet Report of Executive Department, 1864..... List of Pennsylvania Soldiers buried at Andersonville, pamphlet..... Report of Chief of Transportation and Telegraph Department, 1864, pamphlet..... Soldiers' National Cemetery, Gettysburg...	1865
Tennessee .....	House Journal, 1865, 2 copies..... Senate Journal, 1865, 2 copies..... Laws of 1865, 2 copies..... Governor's Message, 1865, 3 copies, pamphlet..... Controller's Report, 1865, 3 copies, pamphlet.....	1865
Vermont .....	Seventh Annual Report of Board of Education, 1863, pamphlet..... Report of Auditor of Accounts, 1863, pamphlet..... Report of Adjutant and Inspector-General, 1863, pamphlet..... Eighth Annual Report of Railroad Commissioners, 1863, pamphlet..... Annual Message of the Governor, October Session, 1863, pamphlet... Directory and Rules of the Senate and House of Representatives, 1863..... Vermont Reports, Volume 34..... Laws of 1863..... Senate Journal, 1863..... House Journal, 1863..... Fourth Registration Report, 1860..... Fifth Registration Report, 1861..... Vermont Reports, Volume 35..... Laws of 1864..... Senate Journal, 1864..... House Journal, 1864..... Report of the Adjutant and Inspector-General, 1863-'64..... Auditor's Report, 1864..... Eighth Annual Report of the Board of Education..... Directory, Rules, and Manual of 1864.....	1864 1865



Donor.	Title.	Date.
Washington.....	Journal of the House of Representatives, 1863..... Council Journal, 1863..... Laws of 1863-'64.....	1864
Wisconsin .....	Wisconsin Reports, Volume 15.....	1864
S. Heydenfeldt....	Congressional Globe of 1861, '62, '63 .....	1864
R. M. Edwards....	History of Ink.....	1864
Smithsonian In- stitute.....	Dublin Quarterly..... Journal of Science..... Smithsonian Collections, Volume 5..... Smithsonian Contributions to Knowledge, Volume 12.....	1864
Hon. J. Conness..	United States Patent Office Reports, 1860.. United States Patent Office Reports, 1861, 2 volumes. .... United States Messages and Documents, abridged, 1862-'63, 2 volumes..... United States Commercial Relations, 1862 United States Finance Report, 1863..... United States Department of Agriculture, Report of 1862..... Congressional Globe, 1862-'63, 2 volumes.. Report of the Conduct of the War, 3 vol- umes. .... Army of the Potomac, by McClelland..... United States Navy Register for 1864, pamphlet .....	1864
	Message of President of the United States, etc., pamphlet..... Acts of Congress, 1862-'63, pamphlet..... Report of Sumner on Slavery, etc., pamphlet..... Congressional Globe, 1863-'64, 4 volumes.. Eighth Census Report, 1860, (Population)... United States Finance Report, 1864..... United States Foreign and Domestic Com- merce, 1864..... Report of the Department of Agriculture, 1863.....	1865
Hon. W. Higby...	Report of the Committee on the Conduct the War .....	1864
	Report on the Fort Pillow Massacre..... Eighth Census of the United States, 1860, (Population.)..... United States Agricultural Report, 1863....	1865

Donor.	Title.	Date.
Hon. W. Higby...	Report of Secretary of the Navy on Armed Vessels..... Eighth Census of the United States, 1860, (Agriculture.)..... New York Custom House Report, 3 copies- United States Coast Survey, 1862.....	
San Francisco.....	Municipal Report of the Board of Supervi- sors .....	1865
Hon. J. McM. Shafter.....	Four specimens of the Continental money of 1777 and 1779 .....	1864
Hon. G. S. Fisher, U. S. Consul at Kanagawa .....	2 Japanese Maps.....	1865
Hon. C. B. Porter	An old paper of 1794.....	

## LIBRARY ROOMS.

Since the last report of the Trustees, additional rooms have been rented and fitted up for the use of the Library, and we are now using for library purposes the upper stories of three different buildings, all separated by brick walls.

Iron doors have been placed at the openings between the buildings, so that in case any one should take fire, the books in the others may be comparatively safe.

## INSURANCE.

The books in the Library are insured for the sum of fifty thousand dollars. If the Library should be destroyed, this sum would greatly assist in the purchase of books that are indispensable for the use of the Legislature and Supreme Court.

## LAW LIBRARY.

The addition to this department during the years eighteen hundred and sixty-four and eighteen hundred and sixty-five, is four hundred and sixty-two volumes, many of which are reports that were required to complete the sets of the several State reports. The Trustees have also purchased copies of the records in the California land cases that have been decided by the Supreme Court of the United States. These records are a valuable acquisition to the law library, and will be of great use to the profession and Courts. But few States can boast of as complete a law library as California.

## MISCELLANEOUS LIBRARY.

The additions to this department during the years eighteen hundred and sixty-four and eighteen hundred and sixty-five, are two thousand four hundred and eighty-two volumes, and consists of works upon every branch of literature, history, and of the arts and sciences. Many of the books added to this department are of great value. The architectural works purchased of Mr. Goddard are the most valuable in California. The great work of Napoleon on Egypt is one of the most valuable and interesting works published in this century. The copy in the State Library is the only one on this coast. As constituted at present, the Library comprises some of the choicest and rarest works now extant.

## CATALOGUE.

A catalogue of all the books in the Library has been prepared, and is now ready for the printer. A printed catalogue is much needed, and is in fact an absolute necessity; and we recommend that the Legislature provide for having it printed.

## BOOKS FOR THE STATE PRISON LIBRARY.

At the request of the Prison Directors, the Trustees have directed that two hundred and fifty-six volumes of duplicates be sent to the State Prison for the Prison Library.

## BOOKS SENT TO PRUSSIA.

A box of books, consisting of legislative journals, statutes, etc., was last year forwarded to Professor Buschmann, of the Royal Library at Berlin. The high estimation in which our legislative documents and California books are held in Europe, may be seen by the following extract from the letter of Professor Buschmann, acknowledging the receipt of the books, and which was published in the San Francisco Bulletin, October twelfth, eighteen hundred and sixty-five.

"I desire, my dear friend, to acknowledge to you the arrival of the very extensive series of public documents, published within the last few years by the Government of the State of California—a country in which I feel a deep interest. This valuable and beautiful present was recently received by the Privy Counsellor, Dr. Pertz, who is the Director of the Royal Library, through the liberality and kindness of his excellency, Governor F. F. Low, from Mr. Henry Hansmann, his Majesty's Consul at San Francisco, and they were all received in good order. \* \* \* \* Every one who has seen them express admiration at the kindness of the Governor, and our Consul, Mr. Hansmann, is much commended in the matter. The books and maps published in your State are very scarce in Prussia, and it is always very difficult for our writers to treat knowingly of California affairs. But the new arrivals will greatly obviate these difficulties. The catalogue of your State Library, made by Mr. Stratton, I have been very much interested in, and he certainly merits great commendation for the excellent labors he performed in that line. As to you, my son, who so kindly interceded with his excellency and the other donors, please to accept personally my warmest thanks, as the volumes will be of material service to me in my literary labors. Alas!

that my life is so short, and that I could not have consulted such books when I was younger."

## LIBRARY FUND.

The balance in the fund at the time of making the last report was seven thousand four hundred and sixty-seven dollars and forty-five cents (\$7,467 45.) The amount paid in the fund for the years eighteen hundred and sixty-four and eighteen hundred and sixty-five, is: by the members of the Legislature, five hundred and ninety-five dollars (\$595,) and by the Secretary of State, sixteen thousand seven hundred and eighty-four dollars and eighty-five cents (\$16,784 85.)

The Trustees have drawn from the fund for the purchase of books, nine thousand and ten dollars and thirty-four cents, (\$9,010 34;) for binding, one hundred and seventy-seven dollars and fifty cents, (\$177 50;) for insurance, one thousand seven hundred and eighty-one dollars and eighty-nine cents, (\$1,781 89;) for rent of library rooms, one thousand six hundred and seventy-five dollars, (\$1,675;) for shelving and furniture, two thousand one hundred and thirty dollars and fifteen cents, (\$2,130 15.) Most of this expense was incurred in fitting up additional rooms rented by the Trustees since the last report, and in putting up iron doors between the three buildings occupied for the Library.

The sum of three thousand one hundred and fifty-two dollars and forty cents, (\$3,152 40) has been paid from the Library Fund for recording certificates of incorporation in the office of the Secretary of State, as provided by an Act passed March eighteenth, eighteen hundred and sixty-four.

The balance now in the Library Fund is six thousand nine hundred and four dollars and two cents (\$6,904 02.)

The amount paid into the Library Fund by the Secretary of State, in eighteen hundred and sixty-five, is three thousand two hundred and ninety-five dollars and thirty-five cents, (\$3,295 35;) the probability is that no greater sum will be paid in each year hereafter.

The rent of the rooms occupied by the Library is one thousand and nine hundred dollars, (\$1,900.) The Legislature at the last session appropriated one thousand dollars only, leaving nine hundred dollars to be paid from the Library Fund. It is recommended that an appropriation sufficient to cover the whole amount be made by the Legislature.

The cost of insuring for fifty thousand dollars is about nine hundred dollars per annum. If this sum, in addition to the sum of nine hundred dollars, must be paid from the Library Fund for rent, the amount left for the purchase of books will be only about one thousand dollars per annum—a sum entirely too small to secure the building up of such a Library as California requires.

F. F. LOW,	} Trustees.
JOSEPH W. WINANS,	
H. W. HARKNESS,	
B. B. REDDING.	

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FIRST BIENNIAL REPORT  
OF THE  
Trustees of the State Reform School,  
FOR  
THE YEARS 1864-65.

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## REPORT.

MARYSVILLE, November 13th, 1865.

To His Excellency,  
FRED'K F. Low,  
Governor of California:

SIR:—We have the honor to submit our report as Trustees of the State Reform School, embracing a statement of its affairs from December first, eighteen hundred and sixty-three, to November first, eighteen hundred and sixty-five, and estimated expenditures for the month of November, eighteen hundred and sixty-five.

There were on the first of December, eighteen hundred and sixty-three, twenty-two children at the institution. There are now forty-seven. The Superintendent's report, herewith transmitted, gives very full and complete statistics, and reference is made thereto. The discrepancy in number of inmates reported, is accounted for by the fact that since his report to the Board, two boys have been received from Sacramento, and two from Nevada.

We have done all in our power, with the limited means at our disposal, for the care and improvement of those whom the State has intrusted to our charge, but the condition of our finances has been such that, with every retrenchment, and the practice of the strictest economy, we have been compelled to neglect many things which were of great necessity.

The appropriation for the sixteenth and seventeenth fiscal years will be exhausted by the first of December, and we shall need for the balance of the present fiscal year an appropriation of say seven thousand dollars, being one thousand dollars per month for the necessary current expenses. It will be remembered that the appropriation of fifteen thousand dollars for two years, made by the last Legislature, was smaller than that made at any preceding session, while our expenditures have been unavoidably greater, for two reasons: one, the large addition to our numbers; and the other, the excessively high prices demanded for every description of supplies. We earnestly hope that the Legislature will take early action in the matter, that we may not be deprived of the necessary means to faithfully carry out the ends and objects for which the institution was established.

It would be of great advantage to complete the interior of the third story of the building, and also to make such alterations as would allow

the separation of the most incorrigible of the inmates from those who are better disposed, and who are in many instances held for no actual crime.

We believe that the claims of this institution are better understood than formerly, and that it will steadily increase in usefulness. We submit that it should be encouraged by friendly legislation, and that every facility should be extended to those who have it in charge. We believe that for the improvements just suggested, and the current expenses for support of the school for the next two fiscal years, the sum of thirty thousand dollars would not be excessive.

Experience has enabled us to make many reforms in the economy of the school, and we are now enabled to conduct it with less expense, and, we hope, to better advantage than in former years. The attachés at present employed are a Superintendent, a General Assistant, cook, laundress, and seamstress, all of whom are faithful and punctual in all that is required of them.

We cheerfully bear testimony to the zealous and well directed efforts of the Superintendent, Mr. H. S. Hoblitzell.

The following statement shows our receipts and disbursements since our last published report :

EXPENDITURES.	
Salary of Trustees.....	\$3,450 00
Salary of Superintendent.....	3,725 00
Salary of Assistant Superintendent and teacher.....	1,894 66
Services of cook, laundress, and seamstress.....	2,051 18
Work and labor on farm and buildings.....	820 10
Surveying.....	15 00
Arbitration on library, paid W. B. Latham, Jr.....	15 00
Horse for farm use.....	175 00
Lumber.....	641 45
Lime, etc., for building yard wall.....	154 62
Medical attendance.....	88 00
Drugs and medicines.....	163 54
Meats.....	1,128 24
Groceries and provisions.....	4,284 53
Wood.....	41 25
Lights.....	109 25
Blacksmithing, wagon work, etc.....	347 25
Harness, etc.....	152 00
Horse power.....	35 00
Flag.....	47 00
Farm wagon.....	85 00
Sewing machine, etc.....	78 00
Printing rules, etc.....	46 00
Express charges, paid W., F. & Co.....	31 75
Escapes and returns.....	158 62
Boots and shoes.....	548 00
Hats.....	186 00
Dry goods and clothing.....	2,188 85
Books and stationery.....	59 74
Carried forward.....	\$22,720 51

Brought forward.....	\$22,720 51
Furniture, crockery, etc.....	594 00
Hardware, tools, etc.....	344 00
Pump, plumbing, etc.....	187 00
Rubber hose, coupling, etc.....	96 25
Trees and vines.....	188 75
Grain, seed, etc.....	524 82
	\$24,655 33
Estimates for November, 1865.....	912 35
Total.....	\$25,567 68
RECEIPTS.	
Received on account appropriation 15th fiscal year.....	\$10,809 93
Received on account appropriation 16th and 17th fiscal years.....	12,500 00
Received on account (sales of grain, etc.).....	257 75
Balance due, appropriation 16th and 17th fiscal years.....	2,500 00
Total.....	\$25,567 68

All of which is respectfully submitted.

WILLIAM HAWLEY,  
W. H. PARKS,  
CHARLES M. GORHAM,  
Trustees State Reform School.

# REPORT OF SUPERINTENDENT.

OFFICE OF SUPERINTENDENT STATE REFORM SCHOOL,  
Marysville, October 31st, 1865.

To the Honorable Board of Trustees State Reform School:

GENTLEMEN:—As required by law governing this institution, I have the honor herewith to present my annual report for year ending October thirty-first, eighteen hundred and sixty-five.

Four years ago the present edifice was formally opened for the reception of such youth as might be committed to its fostering care and protection. Since then, ninety-eight boys and girls have been received, as will more fully appear in the annexed tabular statements:

TABLE I.

Showing the numerical state of the School for year ending October 31st, 1865, also the number of inmates previously admitted and discharged.

	White Boys.	Colored Boys.	White Girls.	Total.
Number admitted previously.....	62	1	5	68
Number admitted past year.....	29			29
Re-admitted, having been an inmate in 1862	1			1
Whole number since opening institution	92	1	5	98
Number discharged previously.....	34		5	39
Number discharged past year.....	8			8
Number returned to care of parents.....	2			2
Number deceased.....	1			1
Number escaped.....	3			3
Number placed with farmer.....	2			2
Totals.....	50		5	55
Number in School, October 31, 1865....	42	1		43

The greatest number in the institution at one time during the year, forty-six.

TABLE II.

Showing the number of admissions in each month.

White Boys.	
November, 1864.....	2
December, 1864.....	1
January, 1865.....	3
February, 1865.....	
March, 1865.....	3
April, 1865.....	2
May, 1865.....	3
June, 1865.....	2
July, 1865.....	2
July, 1865 (re-admitted).....	1
August, 1865.....	4
September, 1865.....	3
October, 1865.....	4
Total.....	30

TABLE III.

Showing the causes of commitment, and from what counties received.

White Boys.	
Disobedience (by request of parents or guardians).....	9
Grand larceny.....	2
Petty larceny.....	9
Destitution (under Act of 1861).....	7
Stubbornness and truancy (paid for by parents).....	1
Vagrancy.....	2
Total.....	30
From whence received.	
Butte County.....	2
Contra Costa.....	1
Lake.....	2
Nevada.....	2
Napa.....	1
Sonoma.....	1
Sutter.....	1
Santa Clara.....	1
Sacramento.....	5
Sierra.....	2
Yuba.....	11
Yolo.....	1
Total.....	30

TABLE IV.

*Showing the birthplace of inmates, and their parentage.*

<i>White Boys.</i>	
Born in California.....	14
Born in Nebraska Territory.....	1
Born in Virginia.....	1
Born in Missouri.....	4
Born in Pennsylvania.....	1
Born in Wisconsin.....	2
Born in Alabama.....	1
Born in Iowa.....	1
Born in Maine.....	1
Born in Arkansas.....	2
Born in Mexico.....	1
Unknown.....	1
Total.....	30
<i>Parentage.</i>	
American.....	18
Foreign—Mexican.....	4
French.....	3
Irish.....	4
Scotch.....	1
Total.....	30

TABLE V.

*Showing the age of inmates, when received, and the average.*

<i>White Boys.</i>	
Eight years old.....	2
Eight years and three months old.....	1
Eleven years old.....	3
Fifteen years and eleven months old.....	1
Fourteen years and eleven months old.....	1
Eleven years and three months old.....	1
Thirteen years old.....	2
Fifteen years old.....	3
Twelve years old.....	2
Seven years old.....	1
Nine years old.....	5
Ten years old.....	3
Fourteen years and three months old.....	1

Fifteen years and seven months old.....	1
Fifteen years and two months old.....	1
Sixteen years old.....	2
Total.....	30
Average age, eleven years and eight months.	

TABLE VI.

*Showing the length of time inmates have been in the institution.*

<i>White Boys.</i>	
Less than one month.....	3
One month.....	2
Two months.....	2
Three months.....	4
Four months.....	3
Five months.....	2
Six months.....	3
Seven months.....	3
Eight months.....	2
Nine months.....	2
Ten months.....	2
Eleven months.....	1
Twelve months.....	1
Thirteen months.....	1
Fourteen months.....	3
Seventeen months.....	1
Eighteen months.....	3
Twenty-two months.....	1
Twenty-six months.....	2
Twenty-eight months.....	2
Twenty-nine months.....	1
Total.....	43

TABLE VII.

*Showing the terms of commitment, and alternative sentence.*

<i>White Boys.</i>	
During minority.....	4
During one year.....	6
During two years.....	8
During two years and six months.....	1
During three years.....	4
During four years.....	3
During five years.....	1
During six years.....	1
During seven years.....	1
During eight years.....	1
During eleven years.....	1
Not sentenced, having been a former inmate.....	1
Total.....	30
<i>Alternative Sentence.</i>	
State Prison.....	2
County Jail.....	8
Not sentenced alternatively.....	20
Total.....	30

TABLE VIII.

*Showing the moral and social condition of the inmates before entering the School, as gathered from themselves.*

<i>White Boys.</i>	
Number who had lost both parents.....	4
Number who had lost father.....	13
Number who had lost mother.....	2
Number whose parents are both living.....	11
Number whose parents are separated.....	5
Number who has step-father.....	6
Number who has step-mother.....	4
Number who used tobacco.....	4
Number who used intoxicating liquors.....	3
Number who had been guilty of larceny.....	1
Number who had been in similar reformatories.....	1
Number whose mother was insane.....	1

TABLE IX.

*Showing the educational attainments of the inmates at the time of commitment, and present statement of school proper.*

Whole number of admissions during the year ending October 31st, 1865.....	30
Who did not know the alphabet.....	7
Who could spell easy words.....	17
Who could spell in three and four syllables.....	6
	30
Who could read easy lessons.....	15
Who could read books generally.....	6
Who could not read.....	9
	30
Who were unacquainted with arithmetic.....	19
Who knew something of arithmetic.....	11
	30
Who could not write.....	20
Who could write easy words.....	6
Who could write any sentence.....	4
	30
Who were unacquainted with geography.....	22
Who knew something of geography.....	8
	30
Number of boys now in school.....	43
Who do not know the alphabet.....	2
Who can spell easy words.....	21
Who can spell in three and four syllables.....	20
	43
Who can read in Willson's First Reader.....	6
Who can read in Willson's Second Reader.....	9
Who can read in Willson's Third Reader.....	8
Who can read in Willson's Fourth Reader.....	4
Who can read in Willson's Fifth Reader.....	5
Who can read short and easy sentences.....	11
	43
Know nothing of arithmetic.....	22
Know something of arithmetic.....	21
	43



Who are unable to write .....	21	43
Who can write easy words.....	10	
Who can write any sentence.....	12	

Geography is taught orally, in concert by the whole school, from Pelton's Outline Maps.

Weekly exercises are had in declamation and composition. The conduct of the boys while in school, and during school hours, is good; and all of them evince a disposition to learn, and are generally exemplary in their deportment, and recite their lessons satisfactorily. We have but little use for the rod; detention in school during recess generally suffices to bring delinquents to a perfection in their lessons.

TABLE X.

*Showing the general distribution of boys for daily domestic duties.*

Milking cows, and attending to stock.. ..	2
Bringing up stock to stable and corral.....	1
Sweeping and cleaning dormitory in third story.....	2
Sweeping and cleaning hall in third story.....	1
Sweeping and cleaning hall in second story.....	2
Sweeping and cleaning stairs.....	2
Sweeping and cleaning hall, first story.....	2
Sweeping middle hall .....	1
Assisting laundress.....	3
Assisting cook .....	2
Attendant on employes' dining room.....	1
Scouring and cleaning knives and forks, daily.....	2
Sweeping and cleaning schoolroom .....	1
Sweeping and cleaning boys' lavatory .....	2
Assisting in boys' dining room at meals.....	4
Attending on boys at meals.....	3
Cleaning lamps.....	1
Sweeping yard.....	3

Leaving a surplus of boys for working on the farm with the farmer; to which is added on Saturday of each week, general cleaning and scrubbing of the whole building. The occupants of each room are required to scrub their respective apartments, and have them in perfect order for inspection.

TABLE XI.

*Showing the number of employes, and their aggregate salaries for the year.*

Superintendent (who also acts as teacher.)	
Assistant Superintendent (who also acts as farmer.)	
Cook, seamstress, and laundress.	
Aggregate salaries (in gold).....	\$3,600
To which is added salary of three Trustees (in gold).....	1,800
Total .....	\$5,400

NOTE.—For financial statement, see report of Trustees. This table is inserted merely to conform to "Report of Committee on uniform reports and exchange," adopted by the annual convention of Managers and Superintendents of various Houses of Refuge and Schools of Reform in the United States, held in the City of New York.

TABLE XII.

*Showing the product of garden and farm.*

Barley (pounds).....	34,639
Hay (tons).....	6
Potatoes (bushels).....	75
Squashes, summer (pounds).....	300
Squashes, winter (pounds).....	500
Tomatoes (pounds).....	1,000
Applemelons (pounds).....	1,200
Watermelons (pounds).....	200
Muskmelons (pounds).....	400
Corn (bushels).....	25
Turnips (pounds).....	300
Beets (pounds).....	250
Beans (pounds).....	200
Cabbage (pounds).....	225
Corn fodder (ton).....	1
Barley straw (tons).....	5

In addition to the above, our summer garden gave us a plentiful supply of peas, radishes, beans, onions, beets, etc.

## A SUGGESTION.

The Superintendent has noticed, with very great concern the pernicious influences of the larger boys, and particularly those who have been legally committed by the various Courts of justice, upon those of a more immature age, who have been placed under our care by parents or guardians, as provided in the amended Act approved May twentieth, eighteen hundred and sixty-one, and which reads as follows:

*"Amended Act, approved May twentieth, eighteen hundred and sixty-one.*

"SECTION 3. Upon the request of any parent, or guardian, or friend of any boy or youth who has no parent or guardian, who may be shown to the Trustees or Managers and Superintendent of the State Reform School, such boy or youth shall be received therein, and shall be subject to the care, instruction, support, and discipline thereof, notwithstanding such boy or youth be guilty of no especial crime or crimes."

Boys committed to us under this Act are for the most part young and inexperienced, and have never become tainted with crime. If they could be separated from the larger boys—those committed for crime—we could better adapt the discipline and instruction, as well as amusements, to the age and character of the children. Constructed as our building now is, it is impossible to separate them, and as a necessary consequence, they mingle with the worsen class, and cannot fail to suffer by such companionship.

I could enlarge upon this part of my report, and cite cases to prove the appositeness of my suggestion; but the injurious effect of such commingling is so apparent that I feel it is only necessary to broach the subject, and rely upon the wisdom of the Legislature about to convene to see the great importance of such change being made, and made at once, as will obviate the serious objection to the present arrangement.

## ECONOMY.

From motives of economy, the duties of teacher, within the past year, have been added to those of the Superintendent; and for like motives the Superintendent, with his family, occupy rooms in the institution, for which he pays no rent; but his household expenses, domestic service, etc., etc., are paid for by himself, and not supplied by the State, as has heretofore been the case, and as is the case with most institutions of a similar character in the Atlantic cities. This, independent of the reduction of salary, and combining the two offices in one, is a great saving to the State in the matter of entertaining friends, which those inimical to the best interests of the school have heretofore used so persistently to throw discredit upon the institution.

## ACKNOWLEDGMENTS.

The Superintendent cannot omit to express his thanks and obligations to the following clergymen, who, through the intense heat of the summer, have officiated in the religious exercises of the school, not only voluntarily, but with expressed thankfulness for the opportunity to do so: Rev. J. B. Hill, Marysville; Rev. H. H. Rhees, Marysville; Rev. W. W. Macomber, Marysville; Rev. D. Ellis Willes, Marysville. Besides these

gentlemen, who have officiated regularly for us, we have had others who have occasionally visited us through the year, and acceptably addressed the inmates.

Our acknowledgments are also justly due Reverends J. B. Hill and C. V. Anthony; also, D. C. Stone, Esq., of Marysville, for supplies of Sabbath school papers; and to the First Presbyterian Society of Marysville, for forty-two volumes of their Psalms and Hymns, a supply ample sufficient for the wants of our religious services.

## CONCLUSION.

Without experience in the management of an institution of this character, I must confess I entered upon its untried duties with many misgivings and fears of my ability to do justice to those placed under my care and pupilage; but with the blessings of Heaven, it affords me pleasure to report the school in a prosperous condition, and the boys more uniformly happy and content than I could have hoped when first assuming my duties among them. Some of them exhibit a most promising disposition, a mildness of temper, and an aptitude of character capable of receiving the noblest impressions; and this is no mean testimony by which to judge their capabilities for receiving instruction.

No one will deny that the true object of instruction in a reform school should be to cultivate the disposition and temper, to form good moral habits, and so mould the character for good, that habits of industry here formed may prove a lasting benefit to the boy long after he shall have left us. This we have in our feeble way endeavored to accomplish with what success the future must reveal.

It is a source of regret to the best friends of the school that its character and merits are not more fully known and appreciated. There are many good reasons why we should not have quadruple the number to report that we have. The material is abundant. Time will produce a prolific crop of candidates for the State Prison, if an institution of this kind established for the correction and salvation of the young, is to be overlooked, and perhaps closed for want of interest.

There was a time in the school's short history when, from inattention and great lack of proper discipline, it was doing less good than it is now, and it is equally true, for want of efficient and willing help and co-operation, its success now is not commensurate with our wishes or efforts. Some of its defects we have endeavored to point out; others less apparent, by your aid and assistance we will try to remedy.

Thanking you for your confidence and good will, and assuring you my undiminished interest in the present and future of the school,

I am, gentlemen, with sentiments of respect and esteem,

Your obedient servant,

H. S. HOBLITZEL,  
Superintendent

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I am, gentlemen, with sentiments of respect and esteem,

Your obedient servant,

H. S. HOBLITZELL,  
Superintendent.

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FIRST AND SECOND ANNUAL REPORTS  
OF THE  
BOARD OF STATE HARBOR COMMISSIONERS,  
FOR THE  
YEARS 1864 AND 1865.

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## FIRST ANNUAL REPORT.

NOVEMBER 3d, 1864.

TO THE HONORABLE FRED'K F. LOW,

*Governor of the State of California :*

The undersigned elected Commissioners, by virtue of an Act entitled "An Act to provide for the Improvement and Protection of the Wharves, Docks and Water Front in the City and County of San Francisco, approved April 24th, 1863," herewith submit their First Annual Report for the period from November fourth, one thousand eight hundred and sixty-three, to November fourth, one thousand eight hundred and sixty-four :

The first meeting of the Board was held on the fourth day of November, one thousand eight hundred and sixty-three, and its organization perfected by the election of Mr. Robert E. C. Stearns as Secretary.

Upon the twelfth of the same month, notices were served upon the various companies and individuals in possession of the several wharves and portions of the water front, requiring them to show by what title or authority they claimed or held such possession, and demanding the immediate surrender of the same.

As the result of their labors, the Commissioners are able to report that all of the wharves and such portions of the water front as are now built upon are in their possession, with the following exceptions—viz :

The wharves known as Broadway, Pacific Street, Market Street and Central Wharves, and portions of the water front between Pacific and Jackson Street wharves, and between Clay Street and Market Street wharves. For particulars, relative to said exceptions, the Commissioners respectfully refer to the annexed statement of Edward Tompkins, Esq., counselor to the Board.

In reference to portions of the water front from which no revenue has been derived the past year, the Commissioners would state that in anticipation of their ability to improve the same by building thereon, they deemed it impolitic to lease any portion thereof for a term exceeding one year ; they accordingly advertised the same for lease for that period ; the bids received being considered unreasonably low, were rejected. Subsequently, it becoming evident that the revenues of the Commission could be more judiciously expended elsewhere, the portions of the water front above referred to were re-advertised for lease for a term of three years,

O. M. CLAYES.....STATE PRINTER.

and the bids received having been accepted, leases are now in preparation and revenue from this source will commence on the first day of November instant.

The wharves now under the control of the Commissioners were, at the time of their surrender, in a very dilapidated and unsafe condition, requiring immediate and extensive repairs; Vallejo Street Wharf being perfectly useless, a large portion of it having fallen into the Bay, no income was derived therefrom. Without the means, and having no authority under the Act to enter into a contract for rebuilding it, there not being a sufficient sum in the "Wharf and Dock Fund" to pay for the work when completed, the Commissioners were compelled to wait for further legislation to obtain the necessary power, which was finally granted by amendments to the original Act, approved March 5th, 1864. Upon the ninth of the same month an advertisement for proposals for rebuilding said wharf was published according to law, and a contract made with the lowest bidder, who completed and delivered the same to the Commissioners upon the twenty-seventh day of May following, at a cost of thirty-two thousand nine hundred and eight dollars and eighty-three cents.

Mission Street Wharf has also been improved by extending the same into the Bay to the limit prescribed by law, said extension being of the same width as the original structure, and one hundred and forty-two feet in length, costing as per contract, fourteen thousand and twenty-one dollars and nineteen cents. The entire wharf is now in good repair.

The remainder of the wharves in possession of the Commissioners have been repaired, and are now in serviceable condition, with the exception of Jackson Street Wharf (an advertisement for proposals for re-building said wharf is now in course of publication). The street leading to the wharf having been impassable for several months, the Commissioners have delayed re-building it until the thoroughfare was repaired.

In conformity with the requirements of Section eight of the Amendatory Act, the Commissioners have caused a survey and map of the water front to be made, and have filed the latter in the office of the Surveyor of the City and County of San Francisco.

For the details of the Receipts and Expenditures of the Commission, we respectfully refer to the following statement.

## TABULAR STATEMENTS.

## R E C E I P T S

*From November fourth, 1863, to November fourth, 1864.*

From what Source.	Tolls, Wharfage and Dockage.	Current Ex- penses.*	Net Receipts.
Jackson Street Wharf.....	\$ 7,335 55	\$1,779 00	\$ 5,556 55
Clay Street Wharf.....	19,895 50	2,231 02	17,661 48
Washington Street Wharf.....	8,560 50	2,194 36	6,366 14
North Point Wharf.....	13,206 58	1,138 00	11,468 58
Mission Street Wharf.....	33,837 85	2,267 50	31,570 35
Vallejo Street Wharf.....	21,681 05	1,825 92	19,855 13
Fulton Street Wharf, rent from Oct. 1, 1863, to Nov. 1, 1864...	8,000 00		8,000 00
East street, north of Market st., amount received for rent.....	3,643 35		3,643 35
East street, south of Market st., amount received for rent.....	50 00		50 00
Front street, from Union to Green sts., amount received for rent..	51 00		51 00
Oakland and San Antonio Steam Navigation Co.'s ferry landing, amount received for rent.....	500 00		500 00
Main Street Wharf (Risdon & Co.) amount received for dockage...	166 25		166 25
Totals.....	\$116,927 63	\$12,038 80	\$104,888 83

\* Current Expenses includes the amount paid Wharfingers' and Collectors' Salaries—also the amount paid for removing dirt from the wharves. Under the original Act \$150 per month was allowed to each wharf for collecting the revenue thereof; subsequently increased to \$200, by the Amendatory Act of March 5th, 1864.

## DISBURSEMENTS

*From November fourth, 1853, to November fourth, 1864.*

For what.	Amount.	Total.
<b>URGENT REPAIRS.</b>		
Mission Street Wharf.....	\$7,954 27	
Jackson Street Wharf.....	1,116 50	
Vallejo Street Wharf.....	327 52	
Washington Street Wharf.....	2,860 91	
Clay Street Wharf.....	3,622 56	
North Point Wharf.....	1,609 85	
Davis Street (outer half of).....	1,263 25	
East Street (portion of).....	1,164 94	
		\$19,919 80
<b>EXPENSE ACCOUNT.</b>		
Amount paid for Rent of Office, Printing, Stationery, Advertising, Fuel, etc., etc.....		1,659 87
<b>LEGAL EXPENSES.</b>		
Amount paid Salary of Special Counsel and Fees in cases now in Courts.....		2,164 50
<b>SALARY ACCOUNT.</b>		
Amount paid Salaries of Commissioners and Secretary from November 4th, 1863, to November 1st, 1864.....		9,491 67
<b>OFFICE APPROPRIATION ACCOUNT.</b>		
Amount paid for Carpet, Furniture, Safe, etc., etc.....		676 25
Amount carried forward .....		\$33,912 09

## DISBURSEMENTS—Continued.

For what.	Amount.	Total.
Amount brought forward.....		\$33,912 09
<b>STATE WHARF AND DOCK FUND.</b>		
Amount remitted to State Treasurer.		
January 4th, 1864, as per Controller's Re- ceipt No. 222.....	\$ 3,294 25	
April 4th, 1864, as per Controller's Receipt No. 314.....	17,245 35	
May 3d, 1864, as per Controller's Receipt No. 338.....	4,377 81	
June 2d, 1864, as per Controller's Receipt No. 413.....	7,318 55	
June 21st, 1864, as per Controller's Receipt No. 422.....	4,784 25	
July 1st, 1864, as per Controller's Receipt No. 5.....	2,746 50	
July 18th, 1864, as per Controller's Receipt No. 58.....	3,000 00	
August 2d, 1864, as per Controller's Receipt No. 74.....	4,161 24	
September 2d, 1864, as per Controller's Re- ceipt No. 106.....	7,302 05	
October 3d, 1864, as per Controller's Re- ceipt No. 139.....	6,823 00	
November 2d, 1864, as per Controller's Re- ceipt No. 189.....	9,923 74	
Total amount paid to the State Wharf and Dock Fund by Commissioners.....		70,976 74
Total disbursements.....		\$104,888 83



Dr. STATE WHARF AND DOCK FUND.

1864.			
January 4th..	To amount remitted by Commissioners.....	\$ 3,294 25	
April 4th.....	To amount remitted by Commissioners.....	17,245 35	
May 3d.....	To amount remitted by Commissioners.....	4,377 81	
June 2d.....	To amount remitted by Commissioners.....	7,318 55	
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Sept. 2d.....	To amount remitted by Commissioners.....	7,302 05	
October 3d....	To amount remitted by Commissioners.....	6,823 00	
Nov. 2d.....	To amount remitted by Commissioners.....	9,923 74	
May 31st.*...	To am't from Golden City Homestead Association.....	474 40	\$70,976 74
June 7th.....	To amount from North San Francisco Homestead Association....	446 25	920 65
	Total am't paid into State Wharf and Dock Fund.....		871,897 39

\* The amount \$920 65 was paid into the Wharf and Dock Fund directly, and not through the Commissioners—as per statement of Controller on file in this office.

STATE WHARF AND DOCK FUND.

Cr.

1864.	By amount of Commissioners' Orders, as follows:		
April 13th....	Order Number 1, favor of F. P. Swett.....	\$ 2,000 00	
April 28th....	Order Number 2, favor of F. P. Swett.....	4,000 00	
May 11th....	Order Number 3, favor of F. P. Swett.....	4,000 00	
May 28th....	Order Number 4, favor of F. P. Swett.....	14,000 00	
May 28th....	Order Number 5, favor of Brooks & Potter.....	750 00	
June 7th.....	Order Number 6, favor of F. P. Swett.....	6,000 00	
June 22d.....	Order Number 7, favor of Gallo-way & Boobar.....	5,000 00	
June 22d....	Order Number 8, favor of F. P. Swett.....	2,000 00	
July 7th.....	Order Number 9, favor of F. P. Swett.....	908 83	
July 7th.....	Order Number 10, favor of Gallo-way & Boobar.....	2,000 00	
July 18th.....	Order Number 11, favor of Gallo-way & Boobar.....	3,000 00	
August 6th...	Order Number 12, favor of Gallo-way & Boobar.....	4,021 19	
			\$47,680 02
	Balance on hand in State Wharf and Dock Fund, Nov. 3d, 1864.....		24,217 37
	Total.....		871,897 39

Dr. CONSTRUCTION OF NEW WHARVES, ETC.

Board of State Harbor Commissioners, To State Wharf and Dock Fund—	
Amount of their Orders on said Fund from Number 1 to 12 inclusive, as per preceding Statement.....	\$47,680 02
Total.....	\$47,680 02

CONSTRUCTION OF NEW WHARVES, ETC. Cr.

Board of State Harbor Commissioners, By Vallejo Street Wharf—	
Amount paid F. P. Swett for building said Wharf, as per contract of March 24th, 1864, in full.....	\$32,902 83
By Mission Street Wharf—	
Amount paid Galloway & Boobar for building extension to said Wharf, as per contract of May 26th, 1864, in full.....	14,021 19
By Survey and Map of the Water Front—	
Amount paid Brooks & Potter for making Map and Sur- vey of the water front, as per contract of April 8th, 1864.....	750 00
Total.....	\$47,680 02

## RECAPITULATION.

RECEIPTS.	
Jackson Street Wharf.....	\$ 5,556 55
Clay Street Wharf.....	17,661 48
Washington Street Wharf.....	6,386 14
North Point Wharf.....	11,468 58
Mission Street Wharf .....	31,570 35
Vallejo Street Wharf.....	19,855 13
Folsom Street Wharf, etc.....	8,000 00
East Street (portion of water front on).....	3,693 35
Front Street (portion of water front on).....	51 00
Oakland and San Antonio Steam Navigation Co.'s Ferry and Wharf.....	500 00
Risdon, Plummer & Co.'s Wharf.....	166 25
Total.....	\$104,888 83
DISBURSEMENTS.	
Urgent repairs.....	\$19,919 80
Expense account.....	1,659 87
Legal expenses.....	2,164 50
Office appropriation (furniture, etc.).....	676 25
Salaries of Commissioners and Secretary.....	9,491 67
State Wharf and Dock Fund.....	70,976 74
Total.....	\$104,888 83
CONSTRUCTION OF NEW WORKS AND SURVEY.	
Vallejo Street Wharf (re-building).....	\$32,908 83
Mission Street Wharf (extension).....	14,021 19
Survey and Map of water front.....	750 00
Commissioners' Orders on State Wharf and Dock Fund in payment of above.....	\$47,680 02

Respectfully submitted,

C. L. TAYLOR,  
D. C. McRUER,  
S. S. TILTON.

# REPORT OF EDWARD TOMPKINS,

SPECIAL COUNSEL.

## REPORT.

SAN FRANCISCO, November 1st, 1864.

TO THE BOARD OF STATE HARBOR COMMISSIONERS :

The following suits commenced on your behalf are now in my hands :

*First.* Suit in the Fourth District Court against the Broadway Wharf Company, to recover possession of the wharf at the foot of Broadway street, in San Francisco. That Company claims the wharf and ninety feet of the slips each side of it under leases from the Commissioners of the Funded Debt made under the following circumstances : On the thirteenth day of February, eighteen hundred and fifty-one, a lease was made by the then Commissioners of the Sinking Fund to Francis Salmon for the term of seven years. This lease would have expired February thirteenth, eighteen hundred and fifty-eight. On the thirty-first of December, eighteen hundred and fifty-six, the Commissioners of the Funded Debt made a new lease to the Broadway Wharf Company for seven years from October first, eighteen hundred and fifty-six. That lease would have expired on the first of October eighteen hundred and sixty-three. On the thirty-first day of January, eighteen hundred and sixty-one, nearly three years before the expiration of said lease, the Commissioners of the Funded Debt, on the application of said Company, made a new lease to them of the said wharf and privileges connected therewith, to continue until the first day of May, eighteen hundred and seventy-one. The right of the Commissioners to make such a lease has always been doubted, and the law under which you act, directing you to take possession of the entire water front, excepting such parts as were held under *valid* leases, you had no other alternative than to admit the validity of their leases or to institute proceedings to have the question between you judicially settled. You therefore directed an action commenced for the recovery of the wharf, and the same has been pending since the ninth day of March last. A demurrer was interposed to the complaint, which was argued and overruled by the Court, and the cause is now at issue and will be tried within a few weeks.

*Second.* Suit against the Pacific Wharf Company to recover the wharf at the foot of Pacific street. The circumstances are in all respects the same as in the case with the Broadway Wharf Company.

*Third.* Suit against Benjamin Richardson and John Nightengale for the wharf at the foot of Market street. It is precisely like the two preceding cases.

*Fourth.* Suit against the Central Wharf Association to recover "Central Wharf," in San Francisco, commenced at the same time and in the same condition as the cases already mentioned. I am unable to discover that they have any lease of the wharf, or any other foundation for their claim thereto, than an Ordinance of the Town Council, passed in eighteen hundred and forty-nine.

*Fifth.* Suit against the ship "Fair Wind," commenced March first eighteen hundred and sixty-four, to recover three hundred and sixty-nine dollars wharfage that accrued at North Point Dock. I am informed that the amount was paid on account of the ship to Messrs. W. T. Coleman & Co., and that the action is in fact defended by that house. It will be tried during the present month.

*Sixth.* Suit commenced June third, one thousand eight hundred and sixty-four, against John G. Klumpke, Elisha Higgins, Alexander Blanc, Wm. C. Hoff, A. A. Harvey, W. J. Turner, Herman Wohler and C. K. Garrison, for the possession of the premises outside the water front, between Jackson and Pacific streets. Without any authority or right that I have been able to discover, the defendants have occupied for several years nearly the entire water front between said streets, and extending some hundred feet more or less beyond the water line into the Bay. They have demurred to the complaint, and the demurrer will probably be disposed of on the next "law day" in the Fourth District Court.

The foregoing six suits are all that are now in my hands on your behalf.

I am, most respectfully yours,

EDWARD TOMPKINS,  
Special Counsel.

## SECOND ANNUAL REPORT

OF THE

BOARD OF STATE HARBOR COMMISSIONERS.

## REPORT.

HON. FRED'K F. LOW,

Governor of the State of California :

In conformity with the requirements of the law, the Board of State Harbor Commissioners herewith submit their Second Annual Report, exhibiting the receipts and disbursements and the general transactions of the Commissioners for the year ending November third, eighteen hundred and sixty-five :

At the date of the First Annual Report, the Commissioners had decided to lease the privilege of collecting wharfage, dockage and tolls upon the easterly line of East street, between Market and Folsom streets, for a term of three years, the limit fixed by law, and the leases were in preparation at the time said Report was submitted. The great outlay requisite to build the outer half of said street, the extensive dredging required, and particularly the lack of means, combined to render the course pursued by the Commissioners the best, if not the only one that could be adopted. The total revenue under the leases aforesaid, has been sixteen thousand one hundred and twenty-one dollars—the lessees making their own improvements and repairs, and dredging as they may deem necessary at their own expense.

The Commissioners have also leased other portions of the water front, as follows :

The southerly line of Bryant street, between Main and Beale streets, at a monthly rental of two hundred and fifty dollars.

A portion of the easterly line of Spear street, between Harrison and Bryant streets, and the southerly line of Bryant street, between Spear and Main streets, at a monthly rental of one hundred and fifty dollars.

The outer half of Vallejo street, from the present outer line of Davis street to the easterly line of Front street, at a monthly rental of three hundred dollars.

The above named premises were advertised according to law, and leased as aforesaid to the highest bidders—the lessees making whatever repairs may be required.

According to the requirements of Section four of the Act of March fifth, eighteen hundred and sixty-four, the Commissioners are restricted from retaining possession of the wharves and improved portions of the water front for a longer period than six months, without

advertising the same for lease. In pursuance of the provisions of said Section, such wharves and portions of the water front as were in possession of this Board on the twelfth day of April last, were advertised on that day, and the bids opened on the nineteenth of the following May; the bids received were deemed unreasonably low, and were rejected; the premises advertised consequently remained in the control of the Commissioners, and will be re-advertised upon the nineteenth of the present month. The Board also advertised for lease unimproved portions of the water front without receiving satisfactory bids therefor.

The same Section of the Act, above alluded to, directs the Commissioners to designate certain portions of the water front for ferry landings. Accordingly, upon the application of parties—owners of ferry boats—the Commissioners have set apart and leased for said purpose, portions of Davis street, between Pacific and Broadway wharves, and Broadway and Vallejo street wharves; the parties, lessees of that portion of Davis street first above mentioned, have been enjoined from building a landing place or driving piles in front of the premises granted; the injunction was allowed, on motion of the Broadway and Pacific Wharf Companies, who claim under their leases, the validity of which will soon be decided by the Supreme Court, that the slip should remain unobstructed and open.

Under the provisions of section seven of the Act of March 5th, 1864, and in response to the petition of responsible parties, ship-owners, the Commissioners have set apart a portion of the water front between the intersection of Beale and Bryant streets and the intersection of First and Brannan streets for the purpose of a dry dock and marine railway, and advertised for proposals for leasing the same for said purposes on the eighth of October last. The bids are to be opened on the seventeenth instant. The Commissioners will be governed in the consideration of the bids by the responsibility of the bidders, the character of the works they are disposed to erect, and the length of time that may be demanded to complete the same.

That a dry dock of ample capacity is much needed, and that it would be of great benefit to the mercantile community, there is no manner of doubt.

The demands of commerce, the condition of many of the wharves and portions of the water front have required a considerable expenditure for construction and repairs.

Jackson street wharf has been entirely rebuilt by contract, and completed January fourteenth, eighteen hundred and sixty-five, at a cost of sixteen thousand six hundred and twenty five dollars and eighty-five cents. This structure is five hundred and seventy five feet in length and fifty feet wide.

The outer half of East street, between Jackson street and Washington street wharves, three hundred and thirty feet in length by a width of seventy-five feet, a new structure, was completed February tenth, eighteen hundred and sixty-five, at a cost of ten thousand four hundred and twenty-seven dollars; also, the outer half of East street northerly from Jackson street wharf, one hundred and sixty-three feet and three inches in length and seventy-five feet in width, was completed May sixth, eighteen hundred and sixty-five, costing five thousand three hundred and eighty-one dollars and ninety-seven cents. In addition to the facilities afforded commerce by the construction of these portions of East street, a much needed thoroughfare has been obtained, connecting Jackson and Washington street wharves, of great importance in the transaction of

business at said wharves, and of general convenience to the extensive business of this portion of the city.

The improvements made by the Commissioners during the past year have not been confined to the locality just referred to. A new and substantial wharf has been erected at the foot of Howard street, four hundred and seventy-five feet long and eighty feet wide, connected with Stuart street by a bridge or thoroughfare two hundred and twelve feet in length by thirty feet in width. This structure was completed May sixth, eighteen hundred and sixty-five, at a cost of twenty-nine thousand nine hundred dollars.

The total expenditure for new wharves and other works as enumerated above reaches a total of sixty-two thousand three hundred and thirty-four dollars and eighty-two cents, paid out of the State Wharf and Dock Fund by the Commissioners' drafts upon the same, leaving a balance in said Fund at the present date of twenty-nine thousand five hundred and ninety dollars and two cents, subject to the orders of this Board for any improvements that may be made hereafter.

The gradual shoaling of the water in the slips and along the water front will necessitate heavy drafts upon the above Fund to pay for dredging, as a very considerable expenditure will be requisite the coming year to furnish the larger class of vessels with suitable dockage facilities. The wharf accommodations being sufficient for the present time, in the opinion of the Commissioners, the deepening of the slips will receive their immediate attention.

The sum expended for repairs demanded by urgent necessity is eighteen thousand five hundred and forty dollars and thirty-three cents (for details see financial statement below). This expenditure has been required to maintain the old structures in a safe and suitable condition.

The Commissioners have remitted to the credit of the Harbor Protection Fund fifty-five thousand six hundred and fifty-seven dollars and seventy-six cents, which sum is on hand at this date, and can be drawn upon by the Commissioners only for the permanent improvement of the water front of the city.

In conformity with the statute, the Commissioners have employed a competent engineer to make the survey required by the Act, together with the necessary maps, etc., preliminary to the construction of a permanent sea wall, which survey will doubtless be completed by the first of March next. Immediately upon the completion of said survey, embracing the maps and report of the engineer, the Commissioners intend advertising for plans, specifications and estimates for the construction of said sea wall. Several months must necessarily elapse before plans, estimates, etc., can be perfected and submitted to the Board for its consideration. After the various plans are received and considered, and the plan which in the judgment of the Commissioners is the best, taking into account feasibility, durability and economy, is accepted, the Board will immediately advertise for proposals for building said sea wall, in sections, in pursuance of the law, and as rapidly as the revenue of the Commission will permit.

As to the revenue of the coming year, and the proportion of the same that can be devoted to the permanent improvement of the water front, the Commissioners estimate as follows:

An average monthly remittance of ten thousand dollars, or one hundred and twenty thousand dollars for the year, thirty thousand dollars of which may be placed to the credit of the State Wharf and Dock Fund, added to the balance remaining in said fund at this date will give a total of about sixty thousand dollars, which can be drawn upon to pay for

dredging and such wharf improvements as the law specifies shall be paid for out of this Fund; ninety thousand dollars to the credit of the Harbor Protection Fund, to meet disbursements in connection with the erection of the contemplated sea wall, added to the amount now in said fund, makes a total of one hundred and forty-five thousand six hundred and fifty-seven dollars and seventy-six cents. Should the decision of the Supreme Court in the cases of the people vs. the Wharf Companies be favorable to the State, an increase of revenue to an amount of five thousand dollars per month may be anticipated, of which amount say one-half or thirty thousand dollars for the year could be added to the Harbor Protection Fund, and the remaining thirty thousand to the Wharf and Dock Fund, a sum which may be required to place the wharves last referred to in good condition.

As to the status of the suits now pending for the recovery of the possession of the wharves now held adversely to the State, attention is directed to the annexed communication from Edward Tompkins, Esq., Special Counselor to this Board.

## TABULAR STATEMENTS.



## RECEIPTS

*From November fourth, 1864, to November fourth, 1865.*

From what Source.	Tolls, Wharfage and Dockage.	Current Expenses.*	Net Receipts.
Jackson Street Wharf†.....	\$ 9,055 25	\$2,205 00	\$ 6,850 25
Clay Street Wharf.....	16,522 35	2,407 50	14,114 85
Washington Street Wharf.....	9,386 55	2,400 00	6,986 55
North Point Wharf.....	12,438 38	1,873 75	10,562 63
Mission Street Wharf.....	35,416 56	2,465 92	32,950 58
Vallejo Street Wharf.....	32,195 90	3,200 15	28,995 75
Howard Street Wharf.....	5,089 27	1,011 25	4,078 02
Folsom Street Wharf†.....	24,000 00		24,000 00
East Street (from Market to Folsom)†.....	16,121 00		16,121 00
East Street (from Market to Pacific).....	6,507 22	310 00	6,197 22
Front Street (from Union to Green)†.....	612 00		612 00
Oakland and San Antonio Steam Navigation Company  .....	1,200 00		1,200 00
Main Street Wharf (Risdon & Co.)†.....	2,901 87		2,901 87
Spear and Bryant streets, (Hathaway's)†.....	1,800 00		1,800 00
Stuart Street, (Moore's Wharf).....	2,399 37		2,399 37
Davis Street, (from Broadway to Vallejo)†.....	248 00		248 00
Vallejo Street (from Davis to Front)†.....	1,500 00		1,500 00
Totals.....	\$177,393 66	\$15,875 57	\$161,518 09

\* Current expenses of wharves includes the amounts paid for salaries of Wharfingers and Collectors, and the amount paid for removing dirt from wharves, and for towing and hauling ships in certain cases.

† The receipts from Jackson Street Wharf includes the sum of \$200 received for old material in former structure.

‡ Wharves and portions of the Water Front marked thus ‡ are leased, and the amount received as above is for rent of same.

|| Amount received of Oakland and San Antonio Steam Navigation Company for rent as per charter of said company.

## DISBURSEMENTS

From November fourth, 1864, to November fourth, 1865.

For what.	Amount.	Total.
<b>URGENT REPAIRS.</b>		
Mission Street Wharf.....	\$7,232 30	
Clay Street Wharf.....	3,458 11	
Jackson Street Wharf.....	32 78	
Vallejo Street Wharf.....	1,093 49	
Howard Street Wharf.....	305 00	
Washington Street Wharf.....	2,167 58	
North Point Wharf.....	737 45	
East Street (from Pacific to Mission).....	622 00	
Davis Street (from Pacific to Vallejo).....	47 25	
Vallejo Street (from Davis to Front).....	2,844 37	
		\$18,540 33
<b>EXPENSE ACCOUNT.</b>		
Amount paid for Rent of office, Printing, Advertising, Stationery, Fuel, etc.....		2,163 53
<b>LEGAL EXPENSES.</b>		
Amount paid Salary of Special Counsel and Fees in cases now in Courts.....		3,000 00
<b>SALARY ACCOUNT.</b>		
Amount paid Salaries of Commissioners and Secretary to November 1st, 1865.....		11,400 00
<b>OFFICE APPROPRIATION ACCOUNT.*</b>		
Amount paid Furniture for office. ....		36 00
<b>PROTEST ACCOUNT.</b>		
Amount of Dockage paid under protest and held to abide events.....		3,013 00.
Amount carried forward.....		\$38,152 86

\* The law authorizes the Commissioners to expend \$1,000 for furnishing office—\$676 25 of said sum was expended last year.

## DISBURSEMENTS—Continued.

For what.	Amount.	Total.
Amount brought forward.....		\$ 38,152 86
<b>STATE WHARF AND DOCK FUND.*</b>		
Amount remitted to the State Treasurer by the Commissioners.....	\$67,707 47	
<b>SAN FRANCISCO HARBOR PROTECTION FUND.†</b>		
Amount remitted to the State Treasurer by the Commissioners.....	55,657 76	
Total remittance to both Funds.....		123,365 23
Total disbursements.....		\$161,518 09

\* The State Wharf and Dock Fund can be drawn upon by the Commissioners for the purpose of constructing new works, and for dredging the slips, etc.

† The San Francisco Harbor Protection Fund can be drawn upon *only* for the payment of contracts for the *permanent* improvement of the Water Front, and for the expenses of making necessary surveys etc., in connection therewith. No drafts having been made by the Commissioners upon this Fund, the whole amount paid in by them, viz : \$55,657 76, stands to the credit of said Fund at the date of this report.

Dr. STATE WHARF AND DOCK FUND.

1864.			
December 2d.	To amount remitted by Commissioners.....	\$ 6,840 43	
1865.			
January 4th.	To amount remitted by Commissioners.....	15,916 12	
February 2d.	To amount remitted by Commissioners.....	7,156 30	
March 2d.....	To amount remitted by Commissioners.....	9,442 53	
April 3d.....	To amount remitted by Commissioners.....	10,659 58	
May 2d.....	To amount remitted by Commissioners.....	8,557 35	
June 3d.....	To amount remitted by Commissioners.....	9,135 16	
	Balance in Fund at date of last Annual Report.....		\$67,707 47
			24,217 37
	Total.....		\$91,924 84

Dr. CONSTRUCTION ACCOUNT.

To State Wharf and Dock Fund—	
Amount of Commissioners' Orders Nos. 13 to 18 inclusive, as per preceding statement.....	\$62,334 82
Total.....	\$62,334 82

STATE WHARF AND DOCK FUND.

Cr.

	By amount of Commissioners' Orders, as follows :		
1864.			
Dec. 24th.....	Order Number 13, favor of A. K. P. Glidden.....	\$ 5,000 00	
1865.			
January 14th	Order Number 14, favor of A. K. P. Glidden.....	6,000 00	
January 16th	Order Number 15, favor of A. K. P. Glidden.....	5,625 85	
Feb. 10th.....	Order Number 16, favor of F. P. Swett.....	10,427 00	
May 6th .....	Order Number 17, favor of Galloway & Boobar.....	29,900 00	
May 12th .....	Order Number 18, favor of C. Hendrick.....	5,381 97	
	Balance in Fund November 4th, 1865.....		\$62,334 82
			29,590 02
	Total .....		\$91,924 84

CONSTRUCTION ACCOUNT.

Cr.

By Jackson Street Wharf—	
Amount paid A. K. P. Glidden for building said Wharf, as per contract of November 19th, 1864.....	\$16,625 85
By East Street, outer half, from Jackson to Washington street—	
Amount paid F. P. Swett for building same, as per contract of January 23d, 1865.....	10,427 00
By Howard Street Wharf—	
Amount paid Galloway & Boobar for building Wharf, as per contract of February 27th, 1865.....	29,900 00
By East Street, between Jackson and Pacific streets—	
Amount paid Charles Hendrick for building the outer half of Street as per contract of March 17th, 1865.....	5,381 97
Total.....	\$62,334 82

## RECAPITULATION.

RECEIPTS.	
Amounts received from wharves and portions of the water front for tolls, wharfage, dockage and rents—less amount paid for current expenses of same, i. e. salaries of wharfingers and collectors, and for cleaning wharves, etc.....	\$161,518 09
DISBURSEMENTS.	
Urgent repairs.....	\$18,540 33
Expense account (fuel, stationery, etc.).....	2,163 53
Legal counsel.....	3,000 00
Office furniture.....	36 00
Salaries of Commissioners and Secretary.....	11,400 00
Protest account (dockage paid under protest).....	3,013 00
State Wharf and Dock Fund.....	67,707 47
San Francisco Harbor and Protection Fund.....	55,657 76
Total.....	\$161,518 09
CONSTRUCTION OF NEW WORKS.	
Jackson and Howard Street Wharves, and portions of outer half of East street, as specified heretofore.....	\$62,334 82
Commissioners' Orders on State Wharf and Dock Fund to pay for same.....	\$62,334 82

Respectfully submitted,

C. L. TAYLOR,  
S. S. TILTON,  
JAMES LAIDLEY.

November 4th, 1865.

REPORT OF EDWARD TOMPKINS,  
SPECIAL COUNSEL.

## REPORT.

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SAN FRANCISCO, October 31st 1865.

TO THE BOARD OF STATE HARBOR COMMISSIONERS :

At the date of my last Annual Report, the following six suits were in my hands :

1. The People *vs.* The Broadway Wharf Company.
2. The People *vs.* The Pacific Wharf Company.
3. The People *vs.* The Owners of Market Street Wharf.
4. The People *vs.* The Central Wharf Company.
5. The People *vs.* The Ship "Fair Wind."
6. The People *vs.* The parties in possession of the water front between Jackson and Pacific streets.

During the year an action has been commenced by the Broadway and Pacific Wharf Companies jointly, against the Board of State Harbor Commissioners and George Goss, to restrain the construction of a wharf and slip, between the Broadway and Pacific wharves, for the use of the Oakland Ferry Company.

The above named seven suits are all upon which I have now to report.

In the cases against the Wharf Companies (one to four inclusive) trials were had in the Fourth District Court, and judgment obtained for the possession of the wharves. The defendants respectively moved for new trials, but the same were denied by the Court. They then appealed to the Supreme Court, where the cases are now upon the calendar, and will undoubtedly be argued and submitted to that Court for decision within the next two weeks. If it was even safe to predict the result of a litigation, I should assure you that these judgments will be affirmed.

In case number five, against the Ship "Fair Wind," the wharfage sued for was recovered and paid over to you, and the suit thereby ended.

In case number six, demurrers to the complaint were pending at the date of my last report. They have since been argued and overruled. The defendants then answered, and the cause was placed upon the calendar of the Fourth District Court, where it yet remains. I have twice been ready for trial. The first time it was postponed by the action of one of the defendants, and the second by the Court, upon the ground that it was reached so late in the term that there was not time to secure

its completion if it was commenced. It will be on the calendar for the November term, and will probably be tried within the next four weeks. I can give you no opinion as to its result, as I have not the means of determining how far the defendants are able to substantiate their answer of the Statute of Limitations. Should they fail in that, I am unable to see that they have any other available defense.

In case number seven, a preliminary injunction was granted by Judge Pratt, and the motion to make it absolute has been argued and submitted, but is not yet decided. The case will turn entirely upon the decision of the Supreme Court in the four wharf cases.

This embraces all the matters now in my hands, and they will all be pressed forward as rapidly as possible.

EDWARD TOMPKINS,

Special Counsel.

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BIENNIAL REPORT

OF THE

State Capitol Commissioners,

FOR THE YEARS

1864 AND 1865.

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## BIENNIAL REPORT.

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OFFICE OF BOARD OF STATE CAPITOL COMMISSIONERS, }  
Sacramento, November 1st, 1865. }

To His Excellency,  
FRED'K F. LOW,  
Governor of the State of California:

SIR:—The Commissioners appointed by "An Act to provide for the construction of the State Capitol in the City of Sacramento" herewith submit a report of their proceedings from December first, eighteen hundred and sixty-three, to November first, eighteen hundred and sixty-five.

B. B. REDDING,  
A. REDINGTON,  
EDGAR MILLS,  
Board of State Capitol Commissioners.

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O. M. CLAYES.....STATE PRINTER.

## REPORT.

In accordance with section one of the Act of April twentieth, eighteen hundred and sixty-three, the Controller of State has delivered to the Board of Capitol Commissioners an annual estimate of the money to be derived from the State Capitol tax of five cents on each one hundred dollars of taxable property in this State. The estimates thus received during the past three years have been as follows :

Estimate for 1863.....	\$62,000 00	
Estimate for 1864.....	69,641 98	
Estimate for 1865.....	72,193 98	
		\$203,835 96
Of this amount there has been expended as follows :		
In 1863 .....	\$59,731 18	
In 1864.....	59,515 14	
In 1865.....	72,704 78	
		\$191,951 10
Leaving unexpended November 1, 1865.....		\$11,884 86

In the last report made by this Board to your predecessor in office, will be found an estimate "of the comparative cost of freestone and other materials for outside finish of the State Capitol building." This estimate was requested from the Architect, in order that steps might be taken to procure a cheaper material for the building, above the basement story, than the granite which was then being used; and it was thought that a quarry of freestone on Putah Creek might be made available for the upper or principal story.

In accordance with this view, Professor Whitney, the State Geologist, was desired to visit Putah Cañon, and make a report to the Capitol Commissioners as to the quality of stone found there. On the twenty-seventh of February, eighteen hundred and sixty-four, Professor Whitney wrote as follows :



"After taking into consideration all the facts connected with the quarry of sandstone in Puta Cañon, I have come to the conclusion that I cannot unequivocally recommend the adoption of the material for the Capitol at Sacramento. I admit that the rock furnishes a *good* building stone; but in a building as costly and extensive as the State Capitol, which is expected to endure for centuries, we need something more than good—namely, something super-excellent, if it can be had."

After giving a technical description of the stone, Professor Whitney recites his objections to it as follows:

"*First*—Its color; which is too dark and cold for a building of the size of the proposed Capitol, and which will especially look badly in a basement of a light colored granite.

"*Second*—Its mode of weathering; since, after long exposure the rock will assume a very disagreeable, dirty, brown color, although this effect will only begin to be felt after a considerable number of years."

\* \* \* \* \*

"I feel strongly induced to believe that granite may be brought from the foothills of the Sierras, by railroad, cheaper than this stone can be transported; and I should decidedly recommend granite in preference to the freestone of Putah Cañon for a building of the size and importance of the State Capitol."

Upon receiving this report, all further explorations of Putah Cañon were abandoned by the Commissioners.

At the next meeting of the Board, a resolution was passed inviting Professor Whitney to examine a granite quarry on the line of the Central Pacific Railroad, situated upon a tract of land which that company were willing to cede to the State, if the stone was found to be of a suitable quality for the Capitol.

On the twelfth of May, Professor Whitney reported as follows:

"The granite of the tract adjacent to the railroad, which I visited in company with the Board (of Capitol Commissioners) a few days since, seems to me to be, in all probability, better adapted for use in the Capitol than any which can be procured in the State. No extensive quarry has yet been opened at the place, so that the opportunities for forming a decided opinion, on a point of so great importance, are not so good as they should be. As far as one can judge, however, from the surface appearances, this stone appears to be one which will open well, and prove both elegant and durable."

With this high authority as to the adaptability of the Pacific Railroad stone, and in view of the fact that its transportation to Sacramento would cost nothing to the State, the Commissioners at once advertised for proposals to open the quarry and furnish granite therefrom for the Capitol building.

In response to their advertisement the Board received the following bids:

Bid of E. O. Dana.....	85 cents per foot.
Bid of G. Griffith.....	88 cents per foot.
Bid of C. B. Grant.....	48 cents per foot.

The bids of Dana and Griffith were regarded as too high, and rejected on that account. The bid of C. B. Grant was also rejected, because the terms of the advertisement had not been complied with.

Upon advertising a second time, the Board received bids as follows:

Bid of E. O. Dana.....	79 cents per foot.
Bid of G. Griffith.....	65 cents per foot.
Bid of James Street.....	65 cents per foot.
Bid of S. D. Smith.....	58 cents per foot.

Thereupon a contract was entered into with S. D. Smith, to quarry all the stone required, of the specified shapes and dimensions, and to load it upon the cars of the railroad company, for fifty-eight cents per superficial foot. Upon that contract, all the stone delivered during the present year has been received; and it is a source of gratification to the Board that the granite now being used, in the facility with which it is wrought, in its freedom from knots and stains, in its solidity of texture, and beauty of finish, fully realizes the conditions predicted in the brief report of Professor Whitney.

The comparative ease with which the present granite is worked, and its relative cost, as compared with that used at first, may be judged by the following statement:

From December first, eighteen hundred and sixty three, to September first, eighteen hundred and sixty-four, a period of nine months, there was received, on the contract with E. O. Dana:

449 4-12 feet granite, @ \$1 05 per foot.....	\$471 80
3,156 feet granite, @ 1 12 per foot .....	3,534 72
375 6-12 feet granite, @ 1 15 per foot .....	431 82
85 5-12 feet granite, @ 1 50 per foot .....	128 12
4,066 3-12 feet, costing.....	\$4,566 46

An average price of one dollar and twelve cents per foot.

From February first, eighteen hundred and sixty-five, to November first, eighteen hundred and sixty-five—a period also of nine months—there was received on the contract of S. D. Smith:

12,458 2-12 feet granite, @ 58 cents per foot.....	\$7,225 66
Cost of hauling above stone (951 tons) from railroad at Sixth street, to Capitol.....	658 31
	\$7,883 97

Thus it will be seen that during nine months of eighteen hundred and sixty-five, we received and cut more than three times as much stone, at an aggregate cost less than twice as great, as we received and cut during

a similar period in eighteen hundred and sixty-four. This discrepancy is increased, too, in favor of the stone now in use, by the fact that much of the work of this year has been upon mouldings, cornices, and arches, that require far more time to finish for use than the plain work of the year previous.

With the means realized from the special tax levied by the Act of March twenty-seventh, eighteen hundred and sixty-three, the Capitol Commissioners feel that the work on the building during the past two years presents a gratifying progress. Without a careful and personal examination but few can realize the solidity and immensity of the structure that is being erected for the future Capitol of our State. The length of the building, exclusive of the end porticos, is two hundred and eighty-seven feet; the breadth, exclusive of the front portico, is one hundred and fifty-six feet; and the wings are eighty-two feet. The height of the granite wall of the present story is twenty-four feet two inches. A line drawn around the building, following all the projections of windows, doors, etc., measures fourteen hundred feet. With a fund so limited, expended upon an area so immense, the progress of the work, in its best aspect, must necessarily be slow. The practical observer will see this at a glance, when it is stated that the labor performed upon the granite front of a building forty feet wide and three stories high, would, if expended upon the walls of the Capitol building, carry them up but fifteen inches; while as much more labor would be required to build up, with brick, the vast net-work of interior walls to an equal height. During the last two years all the walls, exterior and interior, have been carried up an average height of fourteen feet and two inches.

Long before the meeting of the next Legislature the walls of the present story of the building will be completed; it will therefore devolve upon the Legislature, now about to convene, to adopt a definite plan upon which the edifice is to be finished. With this end in view, the Architect has, at the request of the Commissioners, made up several estimates, showing the relative cost of future work upon the building, based upon the use of different materials and a modification of the style of outside decoration; and the Commissioners, knowing as they do the importance of the subject, would respectfully urge upon the Legislature an earnest and careful consideration of the Architect's figures, which are submitted as an appendix to this report.

Without entering upon a discussion of the question whether it was policy for the State to adopt so costly a plan for its Capitol, and without having been a party to such adoption, the present Board of Commissioners find themselves supervising its erection in accordance with that plan. Already a large amount of money has been expended, and judiciously expended, to bring the structure up to its present point; and it is the desire of the Commissioners, based upon what they believe to be the wishes of the people of this State, to complete the next story in a style that will be in keeping with the work already done.

To accomplish this object, and to urge forward the work to as early a completion as possible, it will be necessary for the Board of Commissioners to have at their command a larger fund than is produced by the tax of five cents on the hundred dollars, now levied by law. We would therefore recommend to the Legislature, after having decided upon the general plan for the next story of the Capitol, and having made a careful estimate of the cost of carrying out such plan, that a special tax be authorized, which will yield a sufficient fund to complete the body of the edifice within the next four years, so that it may be ready for occupancy

when the Legislature shall convene in eighteen hundred and sixty-nine. The work on the dome can be prosecuted to advantage after the main body of the building is completed.

B. B. REDDING,  
A. REDINGTON,  
EDGAR MILLS,

Board of State Capitol Commissioners.

EXHIBITS.

#### EXHIBIT A.

Shows a detail of expenditures on Capitol building, from December first, eighteen hundred and sixty-three, to November first, eighteen hundred and sixty-five.

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#### EXHIBIT B.

Shows cost of completing the building upon the original plan, with outside walls entirely of granite.

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#### EXHIBIT C.

Shows cost of completing the building with granite, with reductions in the minor details of stone work.

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#### EXHIBIT D.

Shows cost of completing the building with granite, and introducing a more simple style of decoration in the capitals and around the windows, cornices, and balustrades.

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#### EXHIBIT E.

Shows cost of completing the building, substituting freestone for granite in the caps, capitals, and cornices, and in the work around the windows, inside the line of the columns and pilasters.

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#### EXHIBIT F.

Shows the cost of completing the building, above the basement story, of brick and mastic; the window dressings, etc., to be of iron; the capitals, cornices, etc., to be cut in freestone, and the whole to be painted to imitate granite.

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#### EXHIBIT G.

Architect's report, showing a detailed description of the several estimates.

## EXHIBIT A.

*Detailed statement of expenditures upon the State Capitol Building from  
December 1, 1863, to November 1, 1865.*

Pay roll for December, 1863.....	\$4,106 24
Pay roll for January, 1864.....	3,718 63
Pay roll for February, 1864.....	3,123 75
Pay roll for March, 1864.....	3,777 62
Pay roll for April, 1864.....	3,828 74
Pay roll for May, 1864.....	3,875 49
Pay roll for June, 1864.....	3,954 25
Pay roll for July, 1864.....	4,034 25
Pay roll for August, 1864.....	4,425 62
Pay roll for September, 1864.....	4,141 75
Pay roll for October, 1864.....	4,231 75
Pay roll for November, 1864.....	1,397 37
Pay roll for February, 1865.....	990 25
Pay roll for March, 1865.....	4,907 75
Pay roll for April, 1865.....	3,906 39
Pay roll for May, 1865.....	6,475 95
Pay roll for June, 1865.....	6,139 90
Pay roll for July, 1865.....	6,050 73
Pay roll for August, 1865.....	6,812 75
Pay roll for September, 1865.....	6,090 00
Pay roll for October, 1865.....	6,314 00
Salary of Architect, 23 months, \$300 per month.....	6,900 00
Services rendered Board, Superintendent of Works, etc....	3,525 00
Granite, per contract with E. O. Dana.....	4,566 46
Granite, per contract with S. D. Smith.....	7,225 66
Bricks, per contract with John Tansman.....	8,537 20
Lumber, from N. L. Drew & Co.....	1,337 32
Lumber, from Friend & Terry.....	290 58
Sand, from Turton & Knox.....	665 80
Lime, from H. T. Holmes.....	1,776 68
Cement, from George Pardoe.....	1,045 00
Cement, from H. T. Holmes.....	484 00
Iron, steel, rope, nails, and hardware, from Huntington & Hopkins.....	3,395 54
Blacksmith coal, from A. C. & W. Bidwell.....	625 47
Blacksmith coal, from Phil. Caduc.....	273 11
Hauling granite, from railroad to Capitol building.....	653 31
City Water Works, for water.....	625 00
Twenty per cent on granite delivered by E. O. Dana pre- vious to December 1, 1863.....	815 20
Plumbing, sundry times.....	139 20
Bills, stationery.....	114 99
Carried forward.....	\$135,925 68

Brought forward.....	\$135,925 68
Bills, tools.....	700 70
Bills, advertising.....	164 50
Bills, iron work.....	381 36
Bills, wood and charcoal.....	112 28
Bills, derrick and irons.....	185 00
Bills, painting iron work, etc.....	423 10
Bills, slate stones.....	205 00
Bills, hydraulic pump.....	100 00
Bills, oils and sulphur.....	149 10
Bills, grading street.....	232 90
Sundry bills, sponges, wheels, screens, brushes, salt, casks, repairs of Architect's office, freight, alcohol, etc. etc.....	572 83
Total expenditure from Dec. 1, 1863, to Nov. 1, 1865...	\$138,580 45

## EXHIBIT B.

*Estimate for the completion of the State Capitol Building. From its present  
state, to line of Basement Cornice, or top of Second Floor, there will be required  
as follows:*

1,414,800 bricks and laying, lime, sand @ \$15.....	\$21,222 00
594 square feet of ashler, to complete piers.....	
384 sq. feet of ashler for two doorways @ \$2 40..	\$2,347 20
Cost of stone for do.....	567 24
Hauling stone for do.....	45 70
Cost of cutting 1,004 lineal feet for belt and string course, spandrels, and frieze and cor- nice setting, as pro rata of work finished.....	48,468 00
Cost of stone for do.....	9,317 00
Hauling stone for do.....	895 00
	\$61,640 14
From which deduct for stone cut on the ground as follows: 324 feet belt course; 288 feet panel; 50 feet cornice; 111 feet window casing; 310 feet string course; 25 feet frieze; 84 feet arch stones; 25 feet key stones; 178 feet spandrels—measuring as near as can be computed.....	4,089 77
Total basement stone.....	\$57,550 37
6,765,000 bricks, laying, and for completion, \$16.....	108,240 00
Carried forward.....	\$129,462 00

Brought forward.....	\$129,462 00
STONE, DRESSING, AND SETTING.	
51 windows of second story @ \$358 20 each.....	\$18,268 20
51 windows of third story @ \$246 34 each.....	12,563 34
8 large windows of second story @ \$800.....	6,400 00
8 large windows of third story @ \$496.....	3,968 00
1,861 lineal feet string course @ \$2 62.....	4,875 82
1,861 lineal feet sill and cap @ \$2 87.....	5,341 07
714 feet panel between pedestals @ \$2 87.....	2,049 18
746 feet panel between upper windows.....	2,238 00
539 lineal feet double moulded belt @ \$5 62.....	3,029 18
31,626 square feet of ashler @ \$2 62.....	82,860 12
74 base dies for pilasters @ \$27 46.....	2,032 04
20 base dies for columns @ \$43 04.....	860 80
74 pilaster bases @ \$35.....	2,590 00
20 column bases @ \$70.....	1,400 00
1,577 lineal ft. architrave and molding @ \$13 15	20,737 00
1,375 lineal feet full cornice @ \$53.....	72,875 00
82 pedestals for roof @ \$60.....	4,920 00
648 lineal feet of base between do. @ \$9 17.....	5,942 16
20 capitals of columns @ \$1,162 each.....	23,240 00
28 three quarter caps of pilasters @ \$790 92....	22,145 76
46 half caps of pilasters @ \$351.....	16,146 00
8 block pedestals @ \$245.....	1,992 00
930 balusters @ \$30.....	27,900 00
24 consoles under side windows @ \$24.....	576 00
20 columns @ \$1,633 16 each.....	32,663 20
Front door, stone and workmanship.....	5,000 00
7,900 lineal feet steps @ \$2 20.....	17,380 00
Sculpture on tympanum.....	15,000 00
720 lineal feet balustrade cornice @ \$6.....	4,320 00
TILING FOR FLOORS.	
67,000 feet encaustic tile @ 90 cents.....	\$60,300 00
7,500 feet marble tile @ \$1 30.....	9,750 00
1,200 feet granite @ \$1 50.....	1,800 00
Marble steps and plinth.....	800 00
Marble for niches.....	466 00
1,600 feet marble or granite ceiling of portico.	3,200 00
PLASTERING.	
23,600 yards plain @ 60 cents.....	\$14,160 00
5,600 yards cement @ \$1 20.....	6,720 00
6,300 lineal feet cornice @ \$3 50.....	22,050 00
1,000 lineal feet architrave @ \$1 50.....	1,500 00
Ornamental plaster work.....	7,000 00
Carried forward .....	\$734,071 24

Brought forward.....	\$734,071 24
CAST IRON.	
For pipes and plates.....	\$1,860 00
22 columns, 44,000 pounds, @ 7 cents.....	3,020 00
82,077 pounds for dome, $\frac{1}{4}$ thick, @ 7 cents...	5,743 39
Figure on apex of dome and fastenings.....	700 00
	11,323 39
WROUGHT IRON.	
Sixteen vault doors and two frames.....	\$1,150 00
Locks for doors.....	1,600 00
Shutters and fastenings.....	5,682 00
Hanging and finishing shutters.....	1,800 00
Floor beams, plates, and ties.....	21,600 00
Sash, skylight, and lights in rotunda floor....	12,400 00
Sash fastenings and labor.....	750 00
Ribs of dome, circular plates, and ties.....	3,900 00
Transportation and labor.....	570 00
118 lineal feet iron railing @ \$5.....	590 00
	50,042 00
IRONMONGERS' BILL.	
Sixteen bank locks.....	\$1,960 00
Locks, hinges, and general furniture.....	875 00
Nails, spikes, and screws.....	4,300 00
	7,135 00
Plumbing as per estimate.....	5,525 00
Gas fixtures as per estimate.....	15,500 00
Heating apparatus as per estimate.....	9,273 65
LUMBER.	
225,000 feet squared lumber @ \$30.....	\$6,750 00
90,000 feet Eastern white pine @ \$60.....	5,400 00
150,000 feet for framing @ \$25.....	3,750 00
10,550 feet grooved floor boards @ \$45.....	474 00
9,000 feet cedar shelving @ \$40.....	360 00
30,000 feet scaffolding @ \$20.....	600 00
250,000 feet joist and plate for galleries @ \$25	625 00
70,000 feet of roof sheathing, and rough floor,	
grooved, @ \$35.....	2,450 00
20 feet two inch furring @ \$25.....	500 00
35,000 feet ceiling joist @ \$25.....	875 00
80,000 feet oak stairs and wainscoting @ \$75..	6,000 00
	27,784 75
CARPENTERS' WORK.	
4 flight stairs, 74 steps, and wainscoting, @ \$12	\$3,552 00
2 flight stairs to Library, 37 steps, @ \$8.....	592 00
Carried forward.....	\$860,655 03

Brought forward.....		\$860,655 03
Stairs to dome, first landing.....	296 00	
Stairs to top of inner dome.....	200 00	
For 154 doors, architraves, transoms and finish, mouldings, sash, etc.....	9,240 00	
7 exterior doors and finish.....	475 00	
10 water closets and finish.....	150 00	
Carpenters' work not enumerated above, 5,640 days, @ \$4 50.....	25,380 00	
<b>CARVING.</b>		39,885 00
44 Ionic capitals and bases @ \$60.....	\$2,640 00	
44 Ionic pilaster caps @ \$30.....	1,320 00	
30 Corinthian capitals and bases @ \$80.....	2,400 00	
58 Corinthian pilaster caps and bases @ \$40.....	2,320 00	
22 Doric pilaster caps for Court room @ \$20.....	440 00	
2 full capitals for Court room.....	90 00	
6 desks, as per estimate.....	4,000 00	
Ornamental carving and turning.....	5,000 00	
<b>ROOFING.</b>		18,210 00
48,850 superficial feet best roofing copper, 50 cents.....	\$24,425 00	
<b>PAINTING AND GLASS.</b>		24,425 00
Estimate for French crown glass.....	\$3,842 00	
Painting and glazing.....	28,315 00	
<b>EXCAVATION AND GRADING.</b>		32,157 00
8,250 cubic yards excavation for steps @ 25 cents.....	\$206 25	
Concrete for steps.....	3,550 00	
70,000 yards filling in and grading.....	1,750 00	
<b>Contingent expenses, including derricks, ropes, Architect's and Superintendent's salaries, etc.....</b>		5,506 25
<b>Total cost of building in accordance with original design...</b>		32,000 00
		\$1,012,838 28

## EXHIBIT C.

*Estimate for the completion of the Capitol Building from the adopted design,  
with the following changes, by deducting from the cost of stone, as per  
estimate:*

51 windows, saving on each, \$100.....	\$5,100 00
51 windows in second story, saving on each, \$75.....	3,825 00
8 large windows, saving on each, \$300.....	2,400 00
8 large windows in second story, saving on each, \$96.....	768 00
539 feet moulded belt, saving on each foot, \$1 30.....	700 70
60 base dies, saving on each, \$21 46.....	1,287 60
60 pilaster bases, saving on each, \$8.....	480 00
1,375 feet full cornice, saving on each foot, \$12.....	16,500 00
930 balusters, (iron substituted,) saving on each, \$27.....	25,110 00
24 consoles of side windows, saving on each, \$24.....	576 00
Front door, saving \$1,500.....	1,500 00
	\$58,247 30
First estimate.....	\$1,012,838 28
Less amount saved per Exhibit C.....	58,247 30
Second estimate.....	\$954,590 98

## EXHIBIT D.

*Estimated cost of Design presented November 30th, 1865.*

From first estimate deduct as above, (see Exhibit C.).....	\$58,247 30
20 full capitals, saving on each, \$400.....	8,000 00
28 three quarter caps, saving on each, \$250.....	7,000 00
46 half caps, saving on each, \$157.....	7,222 00
	\$80,469 30
First estimate.....	\$1,012,838 28
Less amount saved per Exhibits C and D.....	80,469 30
Third estimate; cost of presented design.....	\$932,368 98

## EXHIBIT E.

*Fourth Estimate for the completion of the Capitol Building, by deductions from the first estimate, in substituting sandstone for all that part of the work receding from the face of the pilasters, retaining them, and the columns, bases and architrave of granite, the rest being sandstone painted to imitate granite. This estimate is based on the adopted design; also on the stone costing no more on the ground than granite, and being as soft as Benicia stone:*

\$150 from 51 windows, 2d story, in cost of dressing.....	\$7,650 00
\$100 from 51 windows, 3d story, in cost of dressing.....	5,100 00
\$250 from 8 large windows.....	2,000 00
\$140 from 8 large windows, 3d story.....	1,120 00
1861 lineal feet string course, 80 cents.....	1,488 80
1861 lineal feet sill and cap, \$1.....	1,861 00
714 lineal feet panels between pedestals, \$1.....	714 00
746 lineal feet panels between upper windows, \$1 25.....	922 50
539 feet double belt, \$2.....	1,078 00
15,176 feet of plain ashler, \$1.....	15,176 00
82 pedestals of roof, \$23.....	1,886 00
Base balusters and baluster rail of roof.....	26,400 00
20 capitals, \$500.....	10,000 00
28 three quarter capitals, \$325.....	9,100 00
46 half capitals, \$160.....	7,360 00
Front door, \$2000.....	2,000 00
	<hr/>
	\$93,856 30
From first estimate.....	\$1,012,838 28
Deduct amount saved per exhibit E.....	93,856 30
	<hr/>
Add for painting.....	\$918,981 98
	3,500 00
	<hr/>
Fourth estimate.....	\$922,481 98

## EXHIBIT F.

*Estimate for the completion of the Capitol Building with brick and mastic cement; the window dressings, sill courses, pilaster dies and bases, balusters, balustrade cornice, and sills, to be cast iron; capitals, caps, cornice, and front door, of freestone; the columns and their bases, dies, etc., with the first member of the entablature only, to be granite.*

GRANITE.		
Granite to finish basement as per estimate.....	\$57,550 37	
20 base dies of columns, @ \$43 04.....	860 80	
20 bases of columns, @ \$70.....	1,400 00	
20 columns @ \$1,633 16.....	32,663 20	
1,577 feet architrave, @ \$13 15.....	20,737 55	
7,900 lineal feet of steps.....	17,380 00	
	<hr/>	\$130,591 92
FREE STONE.		
1,375 feet full cornice @ \$35.....	\$48,125 00	
20 full capitals @ \$662.....	13,240 00	
28 three quarter caps @ \$415 92.....	11,645 76	
46 half caps @ \$191.....	8,786 00	
Front door.....	3,000 00	
Sculpture on tympanum.....	15,000 00	
	<hr/>	99,796 76
CAST IRON (pounds.)		
1,861 lineal feet base course.....	13,027	
1,861 sills and caps.....	22,231	
539 double moulding and sill.....	18,481	
74 pilaster bases and dies.....	17,982	
52 window dressings.....	93,600	
52 window dressings, second story.....	62,400	
16 large windows.....	32,000	
82 pedestal caps and bases.....	14,090	
648 lineal feet base and baluster cornice.....	43,240	
8 large blocking caps.....	9,700	
24 window consoles.....	964	
930 balusters.....	46,500	
	<hr/>	369,215
Total pounds @ 6 cents.....		\$22,152 90
1,105,130 bricks additional @ \$16.....		17,682 40
6,168 yards cement mastic @ \$1 25.....		7,710 40
Panel mouldings, etc.....		500 00
Painting the entire exterior granite color.....		5,000 00
	<hr/>	\$283,444 38



From first estimate.....	\$1,012,838 28
Deduct total stone.....	476,863 24
	\$535,975 04
Add as per exhibit F.....	283,444 38
Fifth or last estimate.....	\$819,419 42

## EXHIBIT G.

ARCHITECT'S OFFICE, STATE CAPITOL BUILDING,  
Sacramento, November 25th, 1865.

*To the Honorable Board of Commissioners of the State Capitol Building:*

GENTLEMEN:—Pursuant to your wishes, and the instructions given me at the last meeting of your Board, I herewith append an accurate estimate of the materials and work required for the completion of the State Capitol building, from its present point of advancement, in strict accordance with the adopted design of the building. (See Exhibit B.) Also another estimate, based on certain modifications from the original by reductions in the minor details of the stone work (see Exhibit C); and another based on the elevation herewith presented; all three contemplating the use of granite entirely. (See Exhibit D.)

A fourth estimate is made on the substitution of sandstone for all that part of the stone work that recesses or recedes from the face of the pilasters, including caps, capitals, cornice, and frieze, retaining columns, pilasters, and the lower member or architrave of granite, which the other parts will be painted to imitate; the sandstone being estimated as costing the same price on the ground as granite. (See Exhibit E.) A fifth estimate is from a calculation for brick and cement or mastic, with window dressings, etc., of iron; the columns to necking of capitals and the architrave to be granite. The first, because nearly as cheap as any other stone, and procured with greater certainty in the bulk required. The second, because strength is required in the intercolumniations. The capitals, cornice, etc., to be freestone; the other details as explained in the estimate. As the whole must be painted, this admixture will be no objection. Both the last two estimates contemplate a strict adherence to the adopted design. (See Exhibit F.)

In presenting, at your request, this elevation of the building with the alterations from the basement line, there is neither desire nor recommendation on my part that it should supplant or be substituted for the accurate and more elegant designs of Mr. Clark. There are no alterations in the dimensions or general effect, the principal difference being in the mouldings, uncut dental band, plain instead of enriched, consoles with close parapet; and more particularly the change in the capitals of the columns and pilasters, with a few minor reductions in cost that cannot be well explained in a miniature plan. The capital I have intro-

duced from a necessity, (as no other style or order would suit the proportions of the peristyle,) is a modification of the one known to architects as the example from the Tower of the Winds at Athens. It is neither so beautiful or effective as that of the full Corinthian order, though by some authorities considered an example of that order. But while, for one, I should prefer the original design in its full proportions, I may add that this is imposing and in keeping with the building, besides showing a saving to the State of some eighty thousand dollars.

But even without the adoption of this example, as far as the capitals are concerned, my second estimate shows a saving to be effected from the original design by a simple modification of the ornaments shown on it to forms that would seem more becoming to the hard and beautiful granite of which they are to be composed. And, indeed, it appears granite was not intended for the whole work when the design was adopted, although with a slight modification, no stone or other material can be more appropriate for its completion.

Besides the points enumerated, exclusive of capitals, another great saving can be effected by the substitution of a close parapet instead of granite balusters, or making the latter of cast iron. Against the latter course there can be no objection, as they are quite as strong and lasting, and proper paints render them impervious to the weather. The estimate for granite balusters at thirty dollars apiece is low, and there may be a saving of twenty-five thousand dollars in this item alone. I may remark for the close parapet, that while its adoption may be a matter of taste, it is in strict keeping and harmony with the solid character of the building, and adds to its height and dignity.

The estimate for the interior is, with few exceptions, based strictly on the contemplated intentions of Mr. Clark in reference to details, so far as I can understand them, having no interior sections of the building to guide me. One of these exceptions is the substitution for wood of wrought iron ribs and plates for the dome, and the entire casing of the tambour peristyle cornice balustrade, and of the same in cast iron. This measure seems a proper one in reference to the imperishable character of the building, and the very perishable and uncertain character of all cement coverings; and in reference to the brick and cement estimate, I may add here that I have not had time to ascertain what might be saved by the entire use of iron, (for all the parts in freestone,) nor could I do so accurately without full and elaborate working drawings of all the parts. In reference to two items of a former estimate for the building, I have adopted the amount for sculpture, but have allowed nothing for ornamental painting. The first becomes a necessity, as the building requires preparation for it as it advances: I consider the sum, however, insufficient. Your Capitol, if finished as it has advanced, will, in the perfection of its appointments, durability of material, elegance of design, and excellence of workmanship, outrank any second class building in the world, and except in size, may fairly challenge competition with any first class, and, as such, would be better without any, than poorly or badly executed specimens of the sister arts—sculpture and painting. Of the latter, particularly, the ceilings and panels of the dome are susceptible of grand effects by painting, connected with the history of our young State. But this may be left for the future, hence no sum is allowed.

In reference to the stone estimate, I feel quite confident the sum I have named is sufficient, and in this opinion am supported by the practical knowledge and measurements of Mr. Peter Kennedy, the Superin-

tendent, whose accuracy is reliable. I assumed the direction of the building on the eighth of September last, and during the protracted illness and inability of Mr. Clark, have continued in this office. At that time the first moulding course was just commenced at the northwest corner of the building. We have now so far progressed that the basement cornice is on as far as the front portico, one of the seven foot arches of the corridor turned, and a full sixth of the basement completed from the line designated, besides the amount of stone dressed as per schedule. With the exception of a few feet of the side piers, and a part of two back doors, the entire ashler of the basement story is completed. All the walls are up to within nine feet three inches of the second or principal floor, and the great vault of the rotunda is in fair progress, the most tedious part of the brick work being considerably advanced. Too much cannot be said of the excellent character of the entire work; it is the most perfect combination of stone, iron, brick, and mortar, I have ever seen, and seems intended to last all time and ages.

There are two matters to which I think proper to call your attention, although it may seem premature care on my part. The first is in reference to the more perfect ventilation of the Legislative Halls, Court room, and Library, and it will be necessary before the brick work is resumed to any great extent to decide how this is to be effected. I need not repeat that next to security in strength and shelter, ventilation is the most vital and important point in any building; and although I may not perfectly comprehend the original intentions, there does not seem to me sufficient means of exhaustion and supply for the large bodies of people that may fill these rooms. While it is true that the Senate and Assembly Chambers with the heated or steamed air will have an effective agent in their ventilation, it must be remembered that this agency will cease, and inconvenience be felt should these rooms ever be used during the heat of our summers.

All of which is respectfully submitted.

G. P. CUMMINGS.

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## REPORT

OF THE

Board of Swamp Land Commissioners,

FOR THE YEARS

1864 AND 1865.

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## REPORT.

OFFICE BOARD OF SWAMP LAND COMMISSIONERS,  
Sacramento, California, November 15th, 1865. }

To Hon. F. F. Low,  
Governor of the State of California :

The Board of Swamp Land Commissioners submit the following report, having reference to and including the matters stated in their annual report of date December first, eighteen hundred and sixty-four, and embracing their proceedings in actual work of swamp land reclamation during the two years last past, together with a statement of the amount of money withdrawn from the Swamp Land Fund through the agency of the first and present Boards of Swamp Land Commissioners since the organization of the first Board, under the original Act of May thirteenth, eighteen hundred and sixty-one, to the present time.

The number of swamp land districts recognized upon our records is fifty-four. The moneys received into the Swamp Land Fund, for lands situated within the boundaries of fourteen of these districts, have been set apart from that general depository and separately appropriated to the reclamation of each, under the distinctive designations of Swamp Land District Funds numbers One, Two, Four, Five, Seven, Eight, Sixteen, Seventeen, Eighteen, Thirty-eight, Thirty-nine, Forty-one, Forty-five, and Forty-six. Surveys are progressing, and an active interest manifested by the owners of lands in thirteen of the remaining districts in favor of the immediate construction of works of reclamation, encouraged and assisted to the full measure of our lawful authority, and the means provided thereunto.

The other districts were organized under the administration of the first Board of Commissioners, and surveys made, the notes and maps of which will be of value in the future when the landowners shall have manifested a desire to profit by the liberal provisions of present laws relating to their interests.

O. M. CLAYES.....STATE PRINTER.

## DISTRICT No. 1.

Embraces those swamp and overflowed lands lying in Sacramento, Placer, and Sutter Counties, bounded by the American River on the south, the Sacramento and Feather Rivers on the west, Bear River on the north, and the high lands on the east—an area of fifty-seven thousand five hundred and twenty-nine acres. The first contracts were entered into in November, eighteen hundred and sixty-three, since when a large amount of work has been done. Great natural difficulties exist in the way of a thorough reclamation. During the higher stages of the Sacramento and American Rivers it seems impossible to effect drainage for the waters of the small mountain streams which discharge from the east directly into the tule basin, which forms the nucleus of the district. These waters must find their outlet through the channel of the Sacramento, and can only do so when the river level is low enough to allow their egress. Channels have been excavated, to give unobstructed and immediate drainage, when the stage of water in the river permits.

Along the river banks, a distance of twenty-five miles, levees have been constructed, which are of great utility in protecting the valuable lands bordering upon them. There have been constructed thus far two hundred and ninety one thousand four hundred and forty-three cubic yards of levee embankment and one hundred and five thousand two hundred and forty cubic yards of excavation in drains.

Cash set apart from the Swamp Land Fund...	\$28,889 08	
Interest and principal due and unpaid, May 1, 1864.....	45,284 91	
Number of acres unsold May 1, 1864.....	6,602 00	
To be derived from reclamation tax levied.....	38,320 00	
Total means.....		\$119,095 99
Paid for preliminary surveys, estimates, etc...	\$12,580 69	
Paid for construction of works, engineer's superintendence, etc.....	78,977 67	
Total expended.....		91,558 36
Balance to credit of district.....		\$27,537 63

## DISTRICT No. 2.

Embracing all swamp and overflowed lands within the following boundaries, to wit:

Beginning at a point where the township line between Ranges five and six east, Township eight north, Mount Diablo base and meridian, intersects the left bank of the American River, thence south on the township

line to the southeast corner of township seven north, Range five east; thence west on the township line to the northeast corner of Section three of township six north, Range five east; thence south on the section line to the southwest corner of Section thirty-four of the said last named township; thence west on the township line to the northwest corner of the northeast quarter of Section four of township five north, Range five east; thence south on the quarter section line to Burton's Slough; thence along the west bank of said slough, and the right bank of the Mokelumne River, and the northern banks of Snodgrass, Tyler, and Georgiana Sloughs, and the left banks of the Sacramento and American Rivers to the place of beginning.

Forty-seven thousand one hundred and ninety-five acres of land within the district are recognized as swamp and overflowed.

The reclamation of the district is entirely practicable, there being quite sufficient fall for purposes of drainage, which is the essential condition precedent.

But the cost will be large, and the means of the district were so greatly reduced by expenditures for former surveys, and appropriations for the benefit of the City of Sacramento, that the owners of lands have refused to tax themselves to make up the deficiency in a single year, and under present laws the entire amount must be levied against the assessment of some one single year, or not at all.

It is necessary that the sum of eighty-eight thousand dollars shall be furnished by taxation or otherwise to reclaim the district.

With the means at our command, we have constructed some improvements at points most urgently required.

The chief of these is a levee from the high land near Benson's Ferry to the Mokelumne River, and down and along the river bank. Also some ditches, which, in addition to their present utility, will constitute important links in the future work of thorough drainage.

There have been constructed under our directions seventy-seven thousand one hundred and sixty-eight cubic yards of levee embankment, six thousand four hundred and forty-four cubic yards of excavation in drains, and some small repairs of a casual nature.

Cash set apart from the Swamp Land Fund...	\$29,648 63	
Interest and principal due and unpaid, May 1, 1864.....	26,552 12	
Number of acres unsold, May 1, 1864.....	2,722 59	
To be derived from reclamation tax levied.....	4,580 17	
Total means.....		\$63,503 51
Paid for preliminary surveys, estimates, etc...	\$12,335 85	
Paid for benefit of the City of Sacramento, under section 17 of Act of April 9, 1862...	18,157 90	
Paid for construction of works, engineer's superintendence, etc.....	28,550 65	
Total expended.....		\$59,044 40
Balance to credit of district.....		\$4,459 11

## DISTRICT No. 4.

The island known as Tyler Island, formed by the western channel of the Mokelumne River and Georgiana, Tyler, and Snodgrass Sloughs, comprising portions of Townships three, four, and five north, Ranges three and four east, Mount Diablo base and meridian. Some work has been done in the construction of a dam and floodgate at the most exposed point, but the proposed improvements cannot be made unless means are furnished by a tax for reclamation purposes.

Cash set apart from the Swamp Land Fund...	\$3,357 85	
Interest and principal due and unpaid, Oct. 1, 1864.....	6,609 67	
Number of acres unsold, Oct. 1, 1864.....	324 43	
To be derived from reclamation tax levied....	680 00	
Total means.....		\$10,971 95
Paid for preliminary surveys, estimates, etc.	\$1,441 25	
Paid for construction of works, engineer's superintendence, etc.....	982 75	
Total expended.....		\$2,424 00
Balance to credit of district.....		\$8,547 95

## DISTRICT No. 5.

Embracing those swamp and overflowed lands in San Joaquin County bounded on the north-east, north, and west, by the Mokelumne River, and on the south and southeast by Sycamore Slough and the high lands; containing twenty-four thousand five hundred and twenty acres, same being portions of Townships three, four, and five north, Ranges four and five east, Mount Diablo base and meridian.

By opening a new outlet for the waters of the Mokelumne upon the northeast, conducting the same by a canal through the interior, and discharging at Beaver Slough, it is proposed to relieve this and adjacent districts from the dangerous aggregation of floods at and near the confluence of the Mokelumne and Cosumnes. The flood surplus of the Mokelumne, instead of being confined in the narrow and tortuous natural channel until joining the Cosumnes, the two defy all ordinary barriers of defence, will be conducted by a much shorter route to tide water, and we believe will finally be of great benefit to the lands through which it passes, by the deposit of sediment upon those portions which can be reclaimed in no other manner, and by the accomplishment of drainage for the balance.

The new channel is nearly completed. A levee along the bank of the

Mokelumne, a distance of thirty-two miles, for the protection of the arable lands, is projected and in progress. There have been excavated in the new channel forty-three thousand three hundred and seventy-seven cubic yards. The levees already constructed amount to sixty-three thousand two hundred and sixty-two cubic yards.

Cash set apart from the Swamp Land Fund...	\$8,701 87	
Interest and principal due and unpaid, May 1, 1864.....	14,802 74	
Number of acres unsold, May 1, 1864.....	8,033 32	
To be derived from reclamation tax levied....	3,123 87	
Total means.....		\$34,661 80
Paid for preliminary surveys, estimates, &c...	\$3,694 04	
Paid for construction of works, engineer's superintendence, &c.....	27,870 90	
Total expended.....		\$31,564 94
Balance to credit of district.....		\$3,096 86

## DISTRICT No. 7.

Embracing an area of four thousand six hundred and forty-four acres of swamp and overflowed lands, lying in Solano county, and bounded by the Sacramento River, Cache and Linda Sloughs, and the high land—comprising portions of Townships four and five north, Ranges two and three east, Mount Diablo base and meridian.

Contracts for works of reclamation, consisting of levees, dams, and tide gates, were awarded in April last, and the same are nearly completed. The contract price for the whole work is six thousand one hundred and eighteen dollars. No payments upon contracts have yet been made.

Cash set apart from the Swamp Land Fund...	\$2,586 10	
Interest and principal due and unpaid, January 1, 1865.....	4,079 60	
To be derived from reclamation tax levied...	100 00	
Total means.....		\$6,765 70
Paid for preliminary surveys, estimates, &c.....		\$511 00
Balance to credit of district.....		\$6,254 70

## DISTRICT No. 8.

The Island known as "Andrus Island" formed by the San Joaquin River and that part of the Sacramento River known as "Old River," and Georgiana, Seven Mile, and Jackson Sloughs, containing seven thousand six hundred and twenty-two acres, comprising portions of Townships three, four, and five north, Ranges three and four east, Mount Diablo base and meridian.

The most important portion of the contemplated levee has been constructed, and the work suspended until means shall have been provided by reclamation tax or otherwise.

The improvements made are, six hundred and forty-five lineal rods of levee, and four fillings of large Sloughs.

Cash set apart from the Swamp Land Fund, Interest and principal due and unpaid, October 1, 1864.....	\$3,187 28	
Number of acres unsold, October 1, 1864.....	5,631 63	
To be derived from reclamation tax levied...	350 56	
	595 00	
Total means.....		\$9,764 47
Paid for preliminary surveys, estimates, etc...	\$1,535 25	
Paid for construction of works, engineer's superintendence, etc.....	1,338 49	
Total expended.....		2,873 74
Balance to credit of district.....		\$6,890 73

## DISTRICT No. 16.

Situated in Tulare County, near and northwestward from Visalia, the county seat; containing thirty-four thousand seven hundred and sixty-five acres of swamp and overflowed lands, comprising portions of Townships seventeen, eighteen, and nineteen south, Ranges twenty-two, twenty-three, twenty-four, and twenty-five east, base and meridian of Mount Diablo. Organized in eighteen hundred and sixty-one, and partial survey made, which was resumed and completed early in the present year. The first proposals for construction of works of reclamation were rejected, the price being deemed too high; but in September, the work having been re-advertised, contracts were awarded for the whole at a greatly reduced figure.

The work has commenced, and by the conditions of the contracts, which we doubt not will be fulfilled, is to be completed January first, eighteen hundred and sixty-seven. We are confident that benefits will nure from the improvement exceeding the cost tenfold.

Cash set apart from the Swamp Land Fund..	\$10,532 69	
Interest and principal due and unpaid January 1, 1865, less \$704 paid for lands in Township 18 south, Range 25 east, from January 1, to March 15, 1865, and appropriated by Act of March 15, 1864, entitled an Act to create a Board of Commissioners in the County of Tulare, etc., etc.....	23,061 76	
Number of acres unsold, January 1, 1865.....	7,980 00	
To be divided from reclamation tax levied.....	4 65	
Total means.....		\$41,579 10
Paid for preliminary surveys, estimates, etc.....		1,259 12
Balance to credit of district.....		\$40,319 98

## DISTRICT No. 17.

Situated in San Joaquin County, on the east side of the San Joaquin River, in Townships one north, and one and two south, Range six east, Mount Diablo base and meridian; comprising a tract ten miles in length, and average width of one and three-fourths miles, embracing an area of ten thousand six hundred and fifteen acres. The first contracts were completed in January, eighteen hundred and sixty-four. The works consist of a levee, extending along the river frontage, and from the river to the high land, at either extremity of the district. Formerly the larger portion of the land was worthless; now all is valuable, and the greater part susceptible of the highest cultivation. The finest cereals raised in the San Joaquin Valley have been grown on these reclaimed lands.

The amount of work done was sixty-five thousand one hundred cubic yards embankment, with clearing, at a cost of fifteen thousand seven hundred and thirty-two dollars and thirty-two cents. Some repairs and additional improvements are necessary, which are now being made, and for which the district has sufficient means.

Cash set apart from the Swamp Land Fund...	\$7,283 03	
Interest and principal due and unpaid May 1, 1864.....	8,451 41	
To be derived from reclamation tax levied....	9,784 05	
Total means.....		\$25,518 49
Paid for preliminary surveys, estimates, &c...	\$1,547 50	
Paid for construction of works, engineer's superintendence, &c.....	17,089 42	
Total expended.....		\$18,636 92
Balance to credit of District.....		\$6,881 57

## DISTRICT No. 18.

By far the largest district yet organized, embracing an area of one hundred and sixty-four thousand three hundred and eighteen acres, extending from the high land near Sycamore Slough at the village of Knight's Landing, in Yolo County, on the north, to Cache and Miner Sloughs, in Solano County, on the south, and from the Sacramento River on the east, to the high lands on the west, forming a belt of low lands nearly fifty miles in length, and from two to eight miles in width, and including the entire basins of Cache and Putah Creeks. The plan of reclamation contemplated. *First*, the drainage of flood waters which annually accumulated in the creek basins, thence spreading over the entire district, and moving slowly toward tide water across an uneven surface of miles in width, obstructed by a rank growth of new tule and masses of drifting tule of former seasons, and keeping the entire belt of land overflowed or thoroughly saturated until late in the summer months.

In November, 1864, a canal was completed through the middle of the main tule to tide water level, and also two branches connecting the basins of Cache and Putah Creeks, respectively, with the main drain. The aggregate length of these drains is twenty-five miles. Their utility has been demonstrated in the most satisfactory manner, even to those who, from the first, almost refused to admit the possibility of benefit from them. The extension of the Putah branch, which is now projected, and the deepening of portions of the main canal, so as to acquire a more uniform grade, will greatly enhance the value of these improvements, and render them entirely adequate for the purposes intended.

The plan of reclamation also contemplates the construction of levees from Knight's Landing down and along the Sacramento River and Sutter Slough, a distance of seventy-eight miles. Contracts for the whole of this work were entered into in July, eighteen hundred and sixty-four, the same to be completed December first, eighteen hundred and sixty-five. Less than half the levee has been finished, but although the

principal contractor has failed in his engagements, the means of the district have not taken wings pending his default, and we anticipate the rapid completion of the work by the owners of lands, when we shall have been at liberty to contract anew for the unfinished portions.

The drains contain four hundred and thirty-eight thousand one hundred and sixty-eight cubic yards of excavation. The levees built amount to one hundred and thirty-nine thousand seven hundred and seventy-four cubic yards.

Cash set apart from the Swamp Land Fund...	\$39,089 69	
Interest and principal due and unpaid, May 1, 1864.....	80,712 78	
Number of acres unsold May 1, 1864.....	71,764 02	
To be derived from reclamation tax levied...	22,776 74	
Total means.....		\$214,343 23
Paid for preliminary surveys, estimates, etc...	\$7,981 45	
Paid for construction of works, engineer's superintendence, etc.....	82,917 57	
Total expended.....		\$90,899 02
Balance to credit of district.....		\$123,444 21

## DISTRICT No. 38.

The Island known as "Staten Island," formed by the separation and re-union of the waters of the Mokelumne River, the two channels being usually designated as the East and West Branches, containing, according to the returns of the County Surveyor of Sacramento County, nine thousand one hundred and seventy-three and seventy-four one hundredths acres, comprising portions of Townships three and four north, Ranges four and five east, Mount Diablo base and meridian.

The plan of reclamation contemplates the exclusion of flood and tide waters by a levee around the island, and drainage by tide gates at the principal sloughs. The work is being vigorously prosecuted by J. T. Bailey, the contractor. He constructs the levee by a machine invented by himself for the purpose, which is believed to produce a more substantial levee than that thrown up in the usual manner, and to economize labor.

There have been thrown up by hand five thousand seven hundred and eleven cubic yards, and by Bailey's machine one thousand seven hundred and eighty-two and one half lineal rods of levee.

Cash set apart from the Swamp Land Fund...	\$2,626 39	
Interest and principal due and unpaid, May 1, 1864.....	6,977 68	
Number of acres unsold, May 1, 1864.....	509 54	
To be derived from reclamation tax levied....	2,798 38	
Total means.....		\$12,911 99
Paid for preliminary survey, estimates, etc...	1,759 79	
Paid for construction of works, engineer's superintendence, etc.....	3,155 67	
Total expended.....		\$4,915 46
Balance to credit of district.....		\$7,996 53

## DISTRICT No. 39.

Containing two thousand six hundred and eighty acres of swamp and overflowed land, situated on the right bank of the Cosumnes River, in Township five north, Range five east, Mount Diablo base and meridian.

Fourteen thousand seven hundred and sixteen cubic yards of levee embankment have been constructed, being the larger portion of the work at first contemplated. Some repairs of damages from the flood of last winter are required.

Cash set apart from Swamp Land Fund.....	\$2,286 80	
Interest and principal due and unpaid, May 1, 1864.....	1,020 80	
Number of acres unsold, May 1, 1864.....	120 00	
Total means.....		\$3,427 60
Paid for preliminary surveys, estimates, etc...	\$610 40	
Paid for construction of works, engineer's superintendence, etc.....	1,299 33	
Total expended.....		\$1,909 73
Balance to credit of district .....		\$1,517 87

## DISTRICT No. 40.

An island in Solano County, formed by Suisun Bay and tide sloughs, containing two thousand six hundred and eighty-eight acres; being portions of Sections nineteen, twenty, twenty-eight, twenty-nine, thirty, thirty-one, thirty-two, and thirty-three, of Township three north, Range one east, Mount Diablo base and meridian. Organized January, eighteen hundred and sixty-four. Estimated cost of reclamation, by the plan proposed by the engineer, five thousand five hundred and fifteen dollars. The present assets of the district will not cover the cost, and further means must be provided before the work can go on. The cost of the preliminary survey was five hundred and fifty-three dollars.

## DISTRICT No. 41.

The eastern and much the larger portion of an island in Solano County, formed by Miner, Sutter, Cache, and Merritt Sloughs, containing nine thousand one hundred and seventy acres, comprising portions of Townships four and five north, Range three east, Mount Diablo base and meridian.

Contracts for works of reclamation were awarded in June last. The improvement is progressing, and when completed, the lands will be among the most valuable in the State. Thus far, nineteen thousand eight hundred and forty-three cubic yards of levee embankment and four large dams have been constructed

Cash set apart from the Swamp Land Fund...	\$4,524 55	
Interest and principal due and unpaid July 1, 1865.....	5,314 20	
Number of acres unsold July 1, 1865.....	1,199 66	
To be derived from reclamation tax levied....	3,247 42	
Total means.....		\$14,285 83
Paid for preliminary surveys, estimates, &c...	1,630 25	
Paid for construction of works, engineer's superintendence, &c.....	5,731 48	
Total expended.....		\$7,361 73
Balance to credit of district.....		\$6,924 10

## DISTRICT No. 42.

One hundred and sixty acres in Sacramento County, parts of Section thirteen and fourteen of Township seven north, Range six east, Mount Diablo base and meridian.



Entirely isolated from and not susceptible of reclamation in common with any other swamp and overflowed lands. The owner petitioned that the same might be established as a swamp land district, as the only method by which his lands could lawfully receive the benefits contemplated by the Act of Congress granting swamp and overflowed lands to the State, to wit: the application of moneys derived from the sale of such lands to the work of reclaiming the same. The petition was granted, and the moneys will be so applied. The sum of forty-four dollars has been expended to charge of the district for engineer's services.

#### DISTRICT No. 44.

Situated in Solano County, at the head of Cache Slough, in Township five north, Range two east, Mount Diablo base and meridian. Organized in January, eighteen hundred and sixty-five, since when the survey has been made, and cost of reclamation estimated at one thousand two hundred and fifty-five dollars and twenty-six cents. The owners of the land will complete the work, and the assets of the district, so far as the same extend, will be appropriated in payment therefor. The district contains four hundred and eight acres, best susceptible of reclamation in a separate body. Cost of survey, two hundred and thirty-one dollars.

#### DISTRICT No. 45.

Embracing an area of fifteen thousand three hundred and eighty acres of swamp and overflowed land, situated in Tulare County, fifteen miles south-east from Visalia, the county seat, comprising portions of Townships twenty and twenty-one south, Ranges twenty-five, twenty-six, and twenty-seven east, Mount Diablo base and meridian. Organized March, eighteen hundred and sixty-five. The condition of the lands is peculiar. The flood of eighteen hundred and sixty-two cut a new channel, through which the Tule River, which formerly flowed through and caused the overflow of the district, now finds its way by a shorter cut to Tulare Lake. This channel, which commences above and does not touch the district at any point, conveys so large a portion of the waters which formerly flowed in the old channel, that during the dry season the lands are left parched and barren from drought.

It is proposed, first, to construct a levee and dam across the low lands and old channel, below the new channel, so as to entirely protect the district from possible overflow at any time from floods; and, second, to convey water for purposes of irrigation by a ditch, commencing above the dam and levee and running along the northern verge of the district, to a sufficient elevation. There is abundant fall, and the completion of the work will make these lands among the most valuable in that region.

Proposals have been received for a portion of the work, and specifications for the balance are in preparation.

Cash set apart from the Swamp Land Fund...	\$6,124 80	
Interest and principal due and unpaid, July 1, 1865.....	10,728 00	
Number of acres unsold, July 1, 1865.....	3,300 11	
Total means.....		\$20,152 91
Paid for preliminary surveys, estimates, etc.....		\$1,073 50
Balance to credit of district.....		\$19,079 41

#### DISTRICT No. 46.

Embracing an area of five thousand seven hundred acres of swamp and overflowed land, in San Joaquin County, comprising a portion of Township three north, range five east, Mount Diablo base and meridian. Organized January, eighteen hundred and sixty-five. The entire work of reclamation, consisting of ten miles of levee, five dams, and fourteen flood and tide gates, is under contract and progressing. Fifteen thousand and sixty-two cubic yards embankment, and seven gates, have been constructed.

Cash set apart from the Swamp Land Fund...	\$2,393 84	
Interest and principal due and unpaid, July 1, 1865.....	4,589 64	
Number of acres unsold, July 1, 1865.....	224 50	
To be derived from reclamation tax levied....	392 93	
Total means.....		\$7,600 91
Paid for preliminary surveys, estimates, etc..	\$168 00	
Paid for construction of works, engineer's superintendence, etc.....	1,671 06	
Total expended.....		1,839 06
Balance to credit of district.....		\$5,761 85

#### DISTRICT No. 47.

The western portion of an island in Solano County, formed by Sutter, Miner, Cache, and Merritt Sloughs, being all that part of said island not embraced in District Number Forty-one, and comprising portions of

Townships Four and Five north, Range three east, Mount Diablo base and meridian, containing two thousand eight hundred and two acres. The specifications are approved, and we are prepared to receive proposals for the work to be done when the necessary tax shall have been levied. Cost of survey, five hundred and thirty-nine dollars.

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#### DISTRICT No. 48.

Embracing an area of eleven thousand seven hundred and thirty acres, bordering on Packwood Creek, in Tulare County, comprising portions of Townships eighteen, nineteen, and twenty south, Ranges twenty-three, twenty-four, and twenty-five east, Mount Diablo base and meridian.

The petition for reclamation was received in April last, and engineer appointed, who reports progress in the survey, the field work being nearly completed. Cost of survey thus far, three hundred and ten dollars.

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#### DISTRICT No. 49.

Comprising certain lands lying in Sacramento County, on both sides of the Cosumnes River, bounded by the Mokelumne River and Dry Creek on the south, the high lands on the east and north, and by Districts Numbers Two and Thirty-nine on the west, composing portions of Townships five and six north, Ranges five and six east, Mount Diablo base and meridian, and embracing the lands which formerly constituted Districts Numbers Thirteen, Fifteen, Forty-Three, and Forty-Nine. It is believed that any effective work for the reclamation of any portion of these lands will benefit the whole, and that all should be reclaimed in common. Hence, these four districts have been consolidated, and designated as District Number Forty-Nine. It remains for the owners of lands to decide whether the means shall be provided to accomplish the reclamation. We deem the work most vitally essential to be a more direct and free channel for the waters of the Cosumnes, so as to expedite and relieve their passage through the district during floods.

The amount expended in surveys of the lands which constitute District Number Forty-nine, as consolidated, including two thousand six hundred and thirty-one dollars and fifty cents for survey of Districts Numbers Thirteen and Fifteen, in eighteen hundred and sixty-one, and eighteen hundred and sixty-two, has been three thousand nine hundred and eighty-seven dollars.

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#### DISTRICT No. 50.

That portion of Sherman Island lying west of Mayberry's Slough, containing six thousand and twenty acres of swamp and overflowed land, being portions of Townships two and three north, Ranges one and

two east, Mount Diablo base and meridian. Petition received July last, and engineer appointed, who has made the survey, and estimates the cost of reclamation at twenty thousand five hundred and thirteen dollars and eighty cents. Of this amount, seven thousand eight hundred and eighty-three dollars and fifteen cents is for works already constructed, which are to be used in connection with new work to be done.

At such time as the amount necessary to be raised by taxation has been levied, proposals will be advertised for and received, and contracts let. Cost of survey, eight hundred and ninety-two dollars and fifty cents.

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#### DISTRICT No. 51.

Situated in Solano county, at the mouth of the Sacramento River, comprising portions of Sections twenty-two, twenty-three, twenty-six, and twenty-seven, Township three north, Range one east, Mount Diablo base and meridian.

Petition received August twelfth last, and engineer appointed, who reports that certain levees and a flood gate have been constructed, which constitute a reclamation of the lands embraced.

The amount paid to the State for the lands, less the cost of surveys, will be distributed among the owners, such amount being less than the value of the improvements.

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#### DISTRICT No. 52.

McDuff's Island, in Solano County, comprising portions of Township three north, Ranges one east and one west, Mount Diablo base and meridian. Petition received September twelfth last, and engineer appointed, who reports progress, the field work being completed. Cost of survey thus far, five hundred and forty-six dollars.

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#### DISTRICT No. 53.

That portion of "Union Island," in San Joaquin County, lying in Township two north, Range four east, Mount Diablo base and meridian. Petition received October twenty-fifth last, and engineer appointed. No report.

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#### DISTRICT No. 54,

The northern portion of "Sherman Island," comprising parts of Townships two and three north, Range two east, Mount Diablo base and meridian. Petition received October twelfth last, and Engineer appointed. No report.

Those districts not above described were organized under the first Board of Commissioners, and but little has been done in any of them under direction of this Board. Our policy has been to assist and accomplish the wishes of the owners of swamp lands, wherever a desire has been manifested for action, rather than to initiate action where no such desire has been expressed. It is right and necessary that the chief parties in interest shall move first in a matter from which the substantial benefits are to inure solely to themselves. We shall most heartily co-operate with them at every opportunity; and we see with pleasure that the general apathy which has so long prevailed is giving place to confidence which gives promise of future activity.

The amounts expended in surveys, estimates, etc., in the class of districts last named, have been, since their first organization, as follows:

District No. 3 .....	\$2,127 40
District No. 6 .....	1,229 00
District No. 9 .....	157 00
District No. 10 .....	224 00
District No. 14 .....	124 50
District No. 19 .....	576 00
District No. 21 .....	1,010 00
District No. 22 .....	432 00
District No. 23 .....	1,062 50
District No. 24 .....	1,179 90
District No. 25 .....	743 50
District No. 26 .....	284 00
District No. 30 .....	115 66
District No. 31 .....	1,742 00
District No. 32 .....	401 60
District No. 34 .....	582 50
District No. 35 .....	390 00
District No. 36 .....	1,188 00
Total .....	\$13,568 96

The total amount of cash at any time or in any manner paid out of or withdrawn from the Swamp Land Fund, through the agency of the first and present Boards of Swamp Land Commissioners, to the present time, has been as follows:

Amount set apart in Swamp Land District Funds .....	\$151,232 60
Expended in surveys and expenses of inchoate Swamp Land Districts, organized under first Board of Commissioners, including \$2,631 50 for Districts Thirteen and Fifteen...	16,200 46
Expended in surveys and expenses of inchoate Swamp Land Districts, organized under present Board of Commissioners .....	4,439 00
Paid for segregation surveys .....	18,104 25

Costs in suits for annulling certificates of purchase, paid from the Swamp Land Fund, and chargeable to the lands made subject to re-entry and sale .....	3,343 48
Salaries and general expenses .....	33,765 16
Total .....	\$227,084 95

In Sacramento and San Joaquin Counties the District Attorneys have, under the provisions of the Act of April ninth, eighteen hundred and sixty-one, "to provide for annulling certificates of purchase," etc., brought suit against delinquents for interest due the State upon swamp lands. In those cases where judgments have been finally perfected and the lands thrown open to entry and sale in the same manner as if the same had never been entered and sold, we have caused the payment of the costs fixed by law, to be made from the moneys originally paid by the first purchasers, where the amount so paid has been found sufficient, and where not sufficient, whatever amount may have been paid has been applied to that purpose. By the enforcement of the law against delinquents for interest due, greater promptness in payments of interest will be secured, and hundreds of thousands of acres be made available to the State, and to purchasers in good faith, which otherwise would be shut up from improvement, and produce no revenue.

In the matter of segregation, little has been done during the past two years. None of the former segregations having been approved by the United States Land Department at Washington, we have refused to move further in the matter unless the surveys could be made under the joint authority of the State and of the United States.

The Act of the Legislature, approved May 13th, eighteen hundred and sixty-one, charged each County Surveyor respectively of those counties in which any swamp and overflowed lands were situated, with the duty of making immediate segregation surveys therein. The Board of Swamp Land Commissioners, were charged with the duty of "settling and adjusting" the claims of, and authorized to issue instructions to County Surveyors, but possessed no power to appoint or substitute any other in place of the County Surveyor in case of his neglect or refusal to perform, or his inadequate performance of his duties.

In our judgment, the segregation survey, to be thorough and effective, should be entirely under control of the Board, who should have the same power of appointment and removal of segregation surveyors as of Swamp Land District Engineers. The work is of such a nature that no good reason can be given why it should be done by counties, any more than that reclamation districts should conform to county lines. On the contrary, the natural topography of the low lands is a good argument against the theory of either case.

With the amendments indicated, we should confidently anticipate an early, specific, and final designation and conveyance to the State of the lands donated to her by Act of Congress, approved September twenty-eighth, eighteen hundred and fifty. The proofs as to the character of the lands have but to be made and presented, in conformity to instructions from the United States General Land Office, to accomplish this purpose. But to do this, and secure to the State *all* the lands which she can rightfully claim, requires that industry, faithfulness, and systematic

perseverance, which is best promoted and stimulated by the aggregation of power and responsibility at the administrative head.

The system constituted by existing laws, relating especially to the actual work of reclaiming the swamp, overflowed, marsh, and tide lands, under direction of this Board, presents in its chief and vital characteristics, the main machinery necessary for the purposes intended, and in a practicable and convenient form. The rights and interests of purchasers and owners of lands are protected and fostered in accordance with the conditions of the swamp land grant. No reclamation tax can be levied except upon petition of the landowners, and if, in any case, the county revenue officers charged with the levying, assessment, and collection of such tax, have done their work inadequately or neglectfully, they, and not the system, need reformation.

The warrants against District Funds are made receivable not only for any reclamation tax levied, but also for the purchase price and interest due or to become due upon lands within the district, thereby conforming perfectly to the spirit of the condition of the Act of donation, "that the proceeds of said lands shall be applied exclusively, as far as necessary, to the purpose of reclaiming said lands," rendering such warrants available, first of all to purchasers who are the debtors of the State, and practically conferring upon them an advantage over all other bidders for works to be constructed, by making the consideration to be received for the work more valuable to them than to others.

The progress in actual construction of works of reclamation, although not great, is most gratifying, and the results, if not entirely satisfactory, are tangible and beneficial.

Enlightened by the experience and experiments of the past, and warned by its failures and disasters, the Board of Swamp Land Commissioners will have the power by judicious, energetic, and faithful administration in the future, to secure to the State benefits more nearly commensurate with the important interests committed to their charge.

JOSIAH JOHNSON, Secretary.

JOHN HOAGLAND, President.

# REPORT

OF THE

## California State Board of Agriculture,

FOR

THE YEARS 1864-65.



SACRAMENTO:

PRINTED BY O. M. CLAYES, STATE PRINTER.

1866.

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ROOMS CALIFORNIA STATE BOARD OF AGRICULTURE, }  
SACRAMENTO, January 1st, 1866. }

To His Excellency FRED'K. F. LOW,  
Governor of California:

SIR:—In compliance with the law creating the State Board of Agriculture and defining its duties, a full and detailed account of its transactions for eighteen hundred and sixty-four and eighteen hundred and sixty-five, are herewith transmitted. Also, such suggestions as in the opinion of the Board experience and good policy dictate for the advancement of the best interests of the State.

CHAS. F. REED,  
President.

I. N. HOAG, Secretary.

# STATE BOARD OF AGRICULTURE FOR 1865.

## PRESIDENT.

C. F. REED.....Grafton, Yolo County.

## DIRECTORS.

C. T. WHEELER.....Sacramento.  
JOHN H. CARROLL.....Sacramento.  
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## REPORT.

In addition to the ordinary transactions of the Society, the list of articles to which premiums were awarded at the Fairs, reports of committees, etc., the present volume will contain the very able address of the Honorable John Bidwell, before the Northern District Agricultural Society at its late Fair; the practical and statistical annual address of Dr. E. S. Holden, late President of the San Joaquin Valley Agricultural Society; the learned and eloquent address of Dr. John F. Morse, before the State Society at the last State Fair, and a very valuable and interesting address by the Honorable A. A. Sargent on the same occasion, at the request of the Board, upon the subject of an Agricultural and Mechanic Arts College, with especial reference to the means by which the legislation of Congress granting lands for that purpose may be made available to the State; all of which, and especially the latter, at this time contain suggestions and information valuable to every citizen and of great importance to correct legislation upon the several subjects of which they respectively treat.

Also, several letters and communications upon the subject of cotton culture in California, from gentlemen, some of whom are engaged in the business in the southern portion of the State, a very valuable report of the Committee of the Society on Vine Culture and Wine Making, and an important communication by the pioneer silk grower of the Pacific coast, Mr. L. Prevost, upon that very interesting business.

The volume will also contain statistical tables of the agricultural and other productions of the State for eighteen hundred and sixty-five, carefully compiled from the reports of the county, district, and township Assessors, gratuitously furnished, at the request of the Board upon a plan recommended in another portion of this communication, from the annual report of the Surveyor General, and from various other sources, business houses, etc., making a fuller exhibit of these productions than has ever before been officially published—together with very valuable and interesting descriptive reports of several counties and districts and their resources, by their respective Assessors.

In it will also be found, as an entire new feature in the Transactions of the Society, or that of any other like society, with one or two exceptions as to some of the subjects mentioned, reports of eminent and scientific gentlemen, treating upon the various subjects bearing upon natural history, agriculture, and mining.

The report of Dr. J. G. Cooper, the Zoologist of the Society, and lately

connected with the Geological Survey, describes very many of the animals, birds, fishes, and reptiles of the State, most interesting to farmers and others, and the manner of collecting and preserving the same for museums and for scientific purposes.

The report of Dr. H. H. Behr, the Entomologist of the Society, upon the insects destructive to agriculture, will be found very interesting and important to farmers and horticulturists, and a valuable contribution to that science on this coast.

Prof. H. N. Borlander, one of the botanists of the Society, contributes an important and interesting paper upon the grasses of the State. Considering that from the peculiarities of our climate and the close pasturing of our grazing lands, most of the native grasses are disappearing and being supplanted by useless weeds, this report is of most vital importance and may tend to attract public attention to and induce experiments upon this subject so interesting to the stock growing interests of our State.

The report of Dr. A. Kellogg in the department of botany relating to trees and shrubbery, is a strong appeal to arrest the unnecessary destruction of timber in a State where the cost of lumber is already so serious a drawback to agricultural prosperity and improvement, and it is hoped will in many cases induce the "woodman" to "spare that tree," and the farmer to cultivate forests of his own.

The valuable paper of Dr. R. Oxland, Chemist and Metallurgist to the Board, is well timed and will be found of great interest both to miners and vine growers. It discusses the importance of associations of mine and mill Superintendents for the purpose of obtaining from their personal experiences information as to the best methods of manipulating ores, and for the extraction of the precious metals. Also, some new associations of metals recently discovered in California, and a few introductory observations on the peculiar circumstances of the State affecting the manufacture of wine.

The statistical tables and practical comments of Dr. T. M. Logan, Meteorologist to the Society, is probably the most full and complete exhibit of the climate of the Pacific coast that has ever been published. The observations, which are reported on the Smithsonian system, embrace all the important localities, and if properly studied and its lessons adhered to will be of great benefit to the agricultural interests of the State. The paper of Professor Whitney, State Geologist, and who has also accepted the position of Geologist to the Society, upon the physical geography of the State, need only to be mentioned to be sought for and read by all who desire correct information upon this subject of which so little is known to the world.

All these gentlemen have accepted the positions to which they were appointed by the Board, and have gratuitously given to the Society their time and knowledge, for the purpose of assisting it in its endeavors to answer a demand which has long been felt by the friends of science and enlightened policy on this coast, for a general diffusion of correct information in regard to this comparatively new and in many respects anomalous and unappreciated part of our country. We hesitate not to say that these free contributions to knowledge are worth more to the State than ten times the cost of the publication of this volume of transactions, and the services of the contributors should by all means be secured for a continuance of the important investigations thus begun. But it would hardly be fair or in keeping with the proverbial liberality of the State to ask or accept such disinterested and valuable services without making due acknowledgment in the form of a material equivalent. It is hoped that the

Legislature, in considering an appropriation to the Society, will bear in mind the importance of this subject.

## HISTORY OF THE SOCIETY FOR 1864 AND 1865.

In this communication the Board will confine themselves to a succinct statement of the general history of the Society, and its financial transactions since the last report made to you and through you to the Legislature in eighteen hundred and sixty-three, and to a plain statement of such observations as in their opinion experience and good policy dictate for the advancement of the best interests of the State.

The oppressed and unfavorable condition of our industrial interests particularly those relating to or dependent upon agriculture, in consequence of the severe drought of eighteen hundred and sixty-four, and the want of an appropriation by the Legislature for the payment of premiums, determined the Board to depart from the usual custom of holding a general Fair for the exhibition of the products of all the varied interests of the State for that year, lest the necessary expense attending the same should exceed the receipts, and thus increase the already large indebtedness of the Society.

The conditions under which the Society holds the stock grounds, or Park, and good faith to the State, to whose liberality it is indebted for some of the means for improving the same, required that a Fair of some kind should be held. The citizens of Sacramento, with a liberality that has become proverbial, having tendered the Board the necessary means, an exhibition, exclusively of stock, was determined upon, preparations made, and a Fair held, with very gratifying results—both as regards the spirit and quality of the exhibition in the department selected, and the pecuniary condition of the Society.

At the commencement of the year eighteen hundred and sixty-five, the abundance of rain and favorable weather had brightened the prospects and cheered the hopes of the agriculturists, and infused new life and activity into every department of industry throughout the State. Everything indicated that the season would present one of those rare opportunities for bringing together, from hill and vale, mountain and valley, from our firesides and workshops, hamlets and cities, the abundant products of the soil, and the ingenious and useful handiworks of our people—to make a grand exhibition of the unequalled productions and boundless resources of the State, and thus answer the important and double purpose of rendering our own people more contented and happy in the enjoyment and improvement of their homes, and to attract the attention of those of other countries, who were seeking to improve their condition by emigration, to the many advantages to be found in California over those enjoyed elsewhere.

Appeals to the Board to make such an exhibition were received from those who have the best interests of the State at heart from every part of the country. Although the Board were in full sympathy with these appeals, and appreciated the importance of embracing and making the best possible use of this opportunity for accomplishing a great good to the people and the State, yet they had not a dollar at their disposal with which to print and publish a premium list, or to pay a premium when awarded. They could not, as public servants and conservators of the interests of the Society and State, see the propriety of adopting a

looser rule of action in managing its affairs, than they, as business men, would apply in the conduct of their own private operations. They therefore steadily refused to contract obligations or make promises they had not the means and could not see the way to redeem. They finally and reluctantly made an appeal to the people of the State, and to the citizens of Sacramento, for assistance. The latter again responded to the appeal, and furnished the necessary means; but this came at too late a day to answer the purposes for a successful general exhibition—such as the interests of the State and the people demanded, and the Board desired to make. The premium list, which was ready for the printer on the first day of March, and which should at that time have been published and sent into nearly every family in the State, in order to wake up an interest and give those who might desire to exhibit time to select and prepare their articles—was not, therefore, published until late in August, only thirty days prior to the time for holding the Fair. Under such circumstances, and in so short a time, it could not be expected that a Fair, exhibiting, in a creditable manner, the agricultural, the mineral, and manufacturing interests of so great a State, could be made. The Board did not anticipate such an exhibition, and the result proved a success, not only financially, but even in the character of the exhibition, far beyond their most sanguine expectations, and convinces them, that under favorable circumstances, with means in their hands to commence at the proper season, and to use in a proper and judicious manner, they could make such an exhibition of the products of agriculture, of the mines, of manufactures, and indeed of everything that goes to make a State rich in resources, and a people prosperous and happy, as cannot be excelled or even equalled by any other State in the Union, or the world. The Board deemed it proper to say thus much in explanation of the course they have pursued in the management of the Society and its affairs, and to show that the seeming delay or neglect on their part to provide for the fullest benefits to all classes in the annual exhibitions has been caused by circumstances over which they had no control, and were as sensibly felt and regretted by themselves, as they could be by any of those whose interests and wishes have apparently been neglected.

That like difficulties may not occur in the future, and for the purpose of encouraging the development of our varied resources, we trust the Legislature will, in accordance with its former custom, and as we believe the best interests of the State, make an annual appropriation to the Society for a term of years, upon such conditions as may be deemed advisable, of a sum sufficient to pay liberal premiums for the production and exhibition of worthy articles in every department of industry in the State.

We believe the wisdom of this policy is recognized by the universal practice of every State in the Union the enterprise and prosperity of which is worthy of being cited as an example. Indeed, no fact is more prominent in the history of the rise and progress of States and nations, than that the Government that is most liberal in the encouragement of the enterprise and industry of its people, universally becomes the most prosperous and powerful, and its people the most civilized, enlightened, and happy.

## FINANCE.

As will be seen by the Financial Report of the Secretary for the year eighteen hundred and sixty-four, herewith transmitted, the citizens of Sacramento subscribed and placed at the disposal of the Board the sum of five thousand two hundred and seventy-eight dollars. The receipts from all other sources were seven thousand seven hundred and seventy-five dollars and fifty cents, making the total receipts of that fiscal year thirteen thousand and fifty-five dollars and fifty cents.

Of this amount the sum of six thousand one hundred and fifty-five dollars was used in the payment of premiums and purses, and four thousand four hundred and thirty-six dollars and three cents for the payment of current expenses—leaving a balance of two thousand four hundred and sixty-two dollars and forty-seven cents in the Treasury, which was appropriated according to law for the redemption of outstanding warrants against the General Fund, and with which warrants were redeemed to the amount of eight thousand two hundred and seventy dollars and twenty-two cents. Add to this the sum of one hundred and thirty-two dollars and fifty cents, the amount of warrants donated to the Society by different parties, and we have the sum of eight thousand four hundred and two dollars and seventy-two cents, the amount of the indebtedness liquidated during the year eighteen hundred and sixty-four—leaving a balance of outstanding warrants on the General Fund of eleven thousand three hundred and thirty-four dollars and sixty-five cents, at the beginning of eighteen hundred and sixty-five. This year the subscription of the citizens of Sacramento amounted to four thousand four hundred and seventy-eight dollars. The receipts from aliother sources were eighteen thousand three hundred and eighty-seven dollars and forty cents, making total receipts twenty-two thousand eight hundred and sixty-five dollars and forty cents.

Of this amount ten thousand six hundred and eighty-eight dollars and seventy-five cents have been used in the payment of premiums and purses, and eight thousand seven hundred and ninety-four dollars and sixty-three cents to liquidate current expenses, and two hundred and fifty-six dollars and thirty-five cents appropriated for accruing expenses and premiums uncalled for, leaving a balance of three thousand one hundred and twenty-five dollars and sixty-seven cents, which has been used according to law for the redemption of outstanding warrants against the General Fund, and with which there has been redeemed the sum of five thousand nine hundred and fifty-seven dollars and thirty-six cents. Add to this thirty dollars, the amount of a warrant donated to the Society as a subscription, and we have five thousand nine hundred and eighty-seven dollars and thirty-six cents, the amount of indebtedness liquidated in eighteen hundred and sixty-five. This leaves a balance of outstanding warrants, including interest on the same to date, as the present indebtedness of the Society, of six thousand two hundred and thirty-four dollars and forty-four cents, against twenty-six thousand four hundred and seventy-three dollars and fifty-eight cents, the indebtedness of the Society on the twelfth day of March, eighteen hundred and sixty-three, when the Board of Agriculture was organized, and the affairs of the Society placed in the hands of the present management.

Notwithstanding the rapid improvement in the financial condition of the Society, if we deduct the sum of five thousand five hundred and eighty-eight dollars and fourteen cents, the amount used for the redemption of warrants in the last two years, from nine thousand seven hundred



and fifty-six dollars donated to the Society by the citizens of Sacramento during the same time, we have the sum of four thousand one hundred and sixty-seven dollars and eighty-six cents, the amount the Society has fallen short of sustaining itself during that period, or in other words the amount of assistance it has received and used for the payment of premiums and current expenses, other than the liquidation of old indebtedness.

### STATISTICS.

The value of correct and reliable statistics, carefully collected and classified in such a manner as to show at one view the variety, amount, and value of the productions and the capacity or resources of a State, are universally acknowledged and acted upon by enlightened and far-seeing business men and legislators in all countries. They are the inducements and guides to internal improvements, and they direct the course of migration, and the movement and investment of capital throughout the world. A State possessed of abundant natural resources, without a well digested and effective system for the collection and distribution of such information, both at home and abroad, is like a ship at sea laden with a valuable cargo, and endeavoring to find a port in which that cargo can be advantageously disposed of, but without a bill of lading aboard, and not even possessing a chart by which to determine the location of that port, or a compass or rudder with which to guide the vessel into it, if its location were known. We are sorry to say that such even is the condition of our own State. From the want of a well defined policy and enlightened action on the part of those who have heretofore had the power to inculcate a true and proper knowledge and appreciation of our resources and advantages, not only has capital ceased to seek investment, and immigration a home among us, but the former is continually being withdrawn to other fields, and we have already furnished a large portion of the people to settle and build up one State and a number of Territories, none of which possess the advantages for the remunerative and permanent investment of capital or profitable application of labor in agriculture, in mining, in manufactures or commerce to be found within our borders.

Deeply impressed with the importance to the welfare of our State of some authoritative and compulsory mode of collecting such statistics, and of charging that department to whom people both at home and abroad are wont to look for such information, with the duty of gathering, classifying, and distributing them, the Board petitioned the last Legislature for the passage of a law making it the duty of County and District Assessors to collect and return to their Secretary such as they deemed of most importance, to be by him classified and arranged, and published in the annual transactions of the Society, and distributed for general information wherever they would probably do the most good. The then unfavorable condition of the State finances, and the disturbed condition of the country resulting from the rebellion in a number of the States, had an influence, no doubt, against its passage. The improved condition of the State Treasury, and the fortunate suppression of the rebellion, induces the Board to hope that some Act having so desirable an object in view, will become a law during the present session.

### BUREAU OF IMMIGRATION.

With the proper power or authority conferred upon it, and with the requisite means placed at its disposal, and perhaps with more economy and efficiency than a new organization, the State Board of Agriculture would become what many of the States, and particularly the more enterprising of those lately in rebellion, have established, as a separate and distinct body, a Bureau of Immigration. By the close of the war and the abolition of slavery in the Southern States, a vast amount of territory heretofore sealed to the introduction of free labor has been opened, and is already in the field setting forth the productiveness of its soil, the even temperature of its climate, the richness of its mines, the advantages—for manufacturing purposes—of its numerous watercourses, and the certainty and capacity of its markets as inducements to capital and labor to seek within its borders profitable investment and a happy home. If nothing else can awake California to her interests and duties, the fact that such an extensive and active increase in the competition for the labor and capital of the world has thus sprung into existence, and that that competition threatens to deplete still more her own population, should induce her to put forth earnest and active efforts to retain the laurels with which nature has endowed her, but which it is threatened to snatch from her crown.

We should have books and circulars filled with authoritative and reliable information as to our climate, soil, mines, productions, manufactories, commercial location and other advantages, distributed in every country from which an emigrant is about to seek a home in the new world. We should have agencies, competent and alive with the importance of their commissions, established in the old countries and the Atlantic States, to call the attention of people to these facts and figures, and to give such information as they cannot obtain in any other manner. We should have steamers and clipper ships plying between San Francisco and every important port of emigration, to bring immigrants and their families hither, at so low a rate and with such certainty and regularity as will place the passage within the means of the laboring classes, and will render the trip a desirable one.

We should have such mail facilities established, as will enable them when here, to communicate freely to the friends they left behind those persuasive facts, the privileges, luxuries and advantages they find in their new homes, to which they had previously been strangers. Here is work for our Legislature and our Representatives at the National Capital. And here capitalists, land owners, railroad and steamboat companies, and the owners of clipper ships may find direction for energy and profitable enterprise.

We cannot better express our views upon this subject, than by quoting from our report to the members of the Society for eighteen hundred and sixty-four. We then said:

"We know we have within our borders the elements of greatness and prosperity, equal, if not superior, to those of any other State in the Union. Then, what do we lack? what do we need? The answer most emphatically is, *labor and capital*. We cannot attain material greatness or prosper well without these—without both; and capital for investment in our material resources will not, for obvious reasons, precede labor—it would follow. Then labor is the first great necessity. And how shall we obtain it? The General Government, through agents and the distribution of favorable information, is wisely and successfully exerting her means and

energies to induce emigration to the United States. According to the report of the New York Commissioners of Immigration, the number of immigrants that arrived at that port during the eleven months ending the thirtieth of November, eighteen hundred and sixty-three, was one hundred and forty-six thousand five hundred and nineteen, against seventy-six thousand three hundred and six during eighteen hundred and sixty-two—showing an increase in one year of nearly fifty per cent from extra exertion. But does the Pacific coast or California receive any portion of that immigration, or any immediate benefit from it? Very little, if any at all. The moment the new comer sets foot on shore at New York or any other eastern port, he is hurried off to Illinois, Indiana, Kansas, or some other new State east of the Rocky Mountains, but never to California; hence, those States, with far less natural advantages, except as to convenient location for immigration, outstrip us in the race to wealth and general prosperity. The Pacific Railroad will, when finished, to a certain extent remove this barrier which now isolates us from the great centre of our country's population. But, till that time, California must work out the problem of increasing her labor and capital, and of developing her own resources herself. Let California bestir herself, if she would not fall back from her present relative position among her sister States. Let her make independent and extra exertions to induce a tide of immigration to set in toward her shores before that great field for enterprise and improvement is opened up in the Southern States, to attract and hold the tide from her. Let her send out, through the Golden Gate, such a flood of reliable information in regard to her unequalled productions, her inexhaustible resources and capacities, to those great beehives of industry in the old world, as will cause a lively swarming out of their families of workers, so intent upon securing the unequalled benefits within their grasp here, that no halfway port will attract them from their destination.

"Why should not the route from the various emigrating ports of the Old World to San Francisco, by way of Panama, become the line of attraction and travel to those who are seeking an asylum and a home in America? Bring this about, and our march is onward—our destiny certain. To assist in the conveyance of this information, and accomplishing these objects, what channel so appropriate, what means so effective as the State Agricultural Society, when it shall occupy the position and enjoy the facilities we claim for it?

"To place the Society in this position, and in command of these facilities, liberal State aid will be required. The front door of the State Treasury will have to be opened by the command of the people, and some of their money used for the accomplishment of these objects. And why not? Facts and statistics are at hand to prove that no people ever became permanently prosperous, or State rich and powerful, until this policy was adopted and adhered to; and that no people or State ever adopted this policy, and continued it judiciously, without becoming intelligent and happy, and rising high in the scale of individual and national greatness.

"England annually appropriates millions to auxiliary societies, similar to ours, for the encouragement of her agricultural and manufacturing interests, and the world pays tribute to her enterprise and prosperity. France, following her example, has become a power upon the earth. Germany, by early adopting this policy, has made herself an empire of knowledge and a university to the world.

"Among our family of States, New York and Massachusetts are noble examples of an enlightened liberality. Then let California profit by good examples and be wise, as she would be great."

## SHEEP HUSBANDRY AND DOGS.

Sheep husbandry, as a branch of agricultural industry, is annually assuming larger proportions, and bids fair to become one of the principal sources of the agricultural wealth of California. In eighteen hundred and sixty the number of sheep within our State, as returned by the census of that year, was one million ninety-nine thousand one hundred and thirty-two. By the same authority, our wool clip in that year was two millions six hundred and eighty-one thousand eight hundred and twenty-two pounds. In eighteen hundred and sixty-four we produced eight millions of pounds. Taking the increase of wool as a basis for the increase of sheep, and in eighteen hundred and sixty-four our flocks numbered three millions one hundred and eighty-seven thousand four hundred and eighty-two sheep. The census of eighteen hundred and sixty gave the State of Ohio nearly one million more sheep than to any other State in the Union. Ohio contained that year three millions one hundred and ninety-six thousand five hundred and forty.

The magnitude of this interest in that State, and complaints from the owners of sheep of the ravages of dogs among them, induced the Board of Agriculture of Ohio, as early as eighteen hundred and fifty-eight, to institute a system of collecting statistics, by which they might determine the extent of such destruction and the consequent loss to the State.

The following table shows the result of such investigation:

Year.	No. Killed.	No. Injured.	Total Loss.
In 1858.....	60,536	36,441	\$146,758 00
In 1859.....	41,976	22,750	102,398 00
In 1860.....	32,781	19,001	86,796 00
In 1861.....	31,750	24,254	86,434 00
In 1862.....	36,778	24,972	136,347 00
Total for five years.....	203,824	127,418	\$558,733 00

The frequent complaints from the same source in this State, have induced the Board to give the subject some attention, and though they have not been able to ascertain the definite number annually lost in the State, yet they have become satisfied it is very great, single owners, who are sparing no pains or means to improve the quality and value of our sheep, by the introduction of better breeds, having reported their individual losses at thousands of dollars per annum. From the number of useless curs to be seen wherever you go in California, we conclude the loss may safely be set down as great in proportion to the whole number of sheep in the State as in Ohio. Upon this basis the number of sheep in our State, in eighteen hundred and sixty-four, being, as will be seen above, about the same as in Ohio in eighteen hundred and sixty, our losses in the former year may be estimated as about the same as the losses in Ohio in the latter, or at fifty-one thousand seven hundred and eighty-two killed and wounded. We shall count those injured the same as destroyed, as they generally die or are rendered of but little value. By the same reasoning the total number of sheep destroyed in California within the five years, from eighteen hundred and sixty to eighteen hundred and

sixty-five, inclusive, would be about the same as shown by the above table to have been destroyed in Ohio from eighteen hundred and fifty-eight to eighteen hundred and sixty-two, or three hundred and thirty-one thousand two hundred and forty-two. Reckoning them at two dollars and a half a head, and the loss to California in the last five years, from the ravages of dogs, has been eight hundred and twenty-eight thousand and ninety-five dollars.

It is believed that judicious legislation upon this subject, protecting this kind of property from such loss and destruction, would also have the tendency to induce farmers to engage more generally in sheep husbandry, each keeping a few sheep upon his farm, instead of following up the ruinous practice, too much in vogue at the present time, of the constant production of grain, and thus assist in bringing about a more approved and prudent and more profitable system of farming.

It would also encourage the introduction of better breeds of sheep, and consequent improvement in the quantity and quality of wool, without adding anything to the labor or expense of taking care of and feeding our sheep.

By the census of eighteen hundred and sixty, the one million ninety-nine thousand one hundred and thirty-two sheep, then in the State, produced only two millions six hundred and eighty-one thousand eight hundred and twenty-two pounds of wool, or a trifle over two pounds and seven ounces per head, and a large portion of this was of a very inferior quality, commanding in the market only about half the price paid for a number one article.

Since that time our sheep have been considerably improved, and the clip per head considerably increased, so that, in eighteen hundred and sixty-four, the average clip per head is estimated at three pounds and seven ounces. From the experience of those who have improved their common American flocks to one-half or three-fourths Spanish Merino blood, we know that an average clip of five pounds and seven ounces per head, or two pounds per head over the average of eighteen hundred and sixty-four, may certainly be attained.

The number of sheep in the State in that year being, as above shown, three millions one hundred and eighty-seven thousand four hundred and eighty-two, such improvement in quantity would have given us an increased production of six millions three hundred and seventy-four thousand nine hundred and sixty-four pounds, which, added to eight millions, the number of pounds actually produced, would have made our whole product equal to fourteen millions three hundred and seventy-four thousand nine hundred and sixty-four pounds. Nineteen cents a pound was the average price obtained that year for our wool, but those who had flocks of from one-half to three-fourths Spanish Merino blood obtained, on an average, twenty-two cents. At this latter figure the fourteen millions three hundred and seventy-four thousand nine hundred and sixty-four pounds would have been worth three millions one hundred and sixty-two thousand four hundred and ninety-six dollars, while the actual receipts for the eight millions produced, at nineteen cents, was one million five hundred and twenty thousand dollars, which being deducted from three millions one hundred and sixty-two thousand four hundred and ninety-six dollars, gives us the handsome sum of one million six hundred and forty-two thousand four hundred and ninety-six dollars as the increased annual receipts which our farmers may obtain for their wool by improving the quality of their sheep to the standard above named, without adding anything to their number, and without increasing the

expense of keeping them. It is hardly necessary to remark that it costs no more to keep good sheep than poor ones.

Viewed in the light of these figures and considerations, the remark of a writer in the report of the Commissioners of Agriculture for eighteen hundred and sixty-two, that "in this utilitarian age, dogs, which cannot be rendered useful, and are not worth the trouble of controlling, should not be tolerated for ornamental purposes," has a peculiar and ought to have a telling significance, and we commend it to the consideration of the Legislature.

### THE RINDERPEST OR CATTLE PLAGUE.

A very destructive and contagious disease, called by the Germans the Rinderpest, is at this time raging among the cattle of many of the countries of the continent of Europe, and in England. It is supposed to have had its origin, and to be a natural or normal disease among the cattle on the vast plains of Russia. From that country, by the importation of cattle, it was some ten years since introduced into Austria and other German States. At that time the Royal Agricultural Societies of England, Ireland, and Scotland united together and sent Mr. Simonds, an eminent scientific gentleman, and Professor of Cattle Pathology in the Royal Veterinary College of England, to the localities in the German States where it existed, to investigate the disease and report as to the probability of its reaching Great Britain.

That report, which contains much information upon the nature of the disease, will be found in our volume of transactions of this year. But Mr. Simonds came to the conclusion that England need not fear that the disease would reach that country, from the fact of the great distance it would have to travel overland through the German States, who were exercising such great vigilance to arrest and prevent it; and also from the fact that at that time no cattle were brought directly from Russia to England. This threw England off her guard with reference to the matter, until within the last two years the Russian cattle have found a market in England, and the disease has followed them, and according to our Consul, Mr. Lord, at Manchester, is not only now raging and destroying the cattle at a very rapid rate, and bids fair to spread over all the agricultural districts of that country, but it has lately broken out among the flocks of sheep with virulence, and threatens them also. While the General Government has taken the proper steps to prevent its reaching our country, by stopping the importation of sheep and cattle from the infected countries, yet notwithstanding these precautions, it may very naturally reach this coast from France or Spain within two years, or before the assembling of another Legislature, and be found in our midst destroying our cattle and sheep. While our State could not interfere in any manner with the regulations of commerce to prevent its coming here, yet we deem it important and entirely legitimate, and propose that some provision be made to prevent its spreading among our herds and flocks in case it should appear. The Governor might be empowered to appoint a commission of scientific men, to whom any such diseases might be referred, with power to act for the good of the State in case of emergency, and thus prevent the destruction of property, or any other course which the Legislature might deem advisable to secure the same object we would recommend. We think it important that some provision be made by this Legislature to meet with promptness the first appearance of such a malady among us.

## FENCING AND GRAIN FARMING.

One of the most important problems which the political economist of any age or country can be called upon to solve, is how to reduce to the lowest practical figure the necessary expense attending the production of the food and clothing for man, and the food for the domestic animals he keeps in his employ. Hence the inventor of the plow, the reaper, the threshing machine, the cotton and wool gins, and other labor-saving machines, are counted among the benefactors of the human race. He who, in any other manner, can show the agriculturist how he may reduce his necessary expenses, without decreasing the amount of his annual products, is equally entitled to the same consideration and distinction. The expense of building and maintaining fences, in comparison to the profits of cropping in this State, is so great, that it becomes a matter of serious consideration to the agricultural interests, whether the convenience they afford is not too dearly bought, and whether the extra labor and expense required to maintain them, cannot to a great extent be dispensed with, and thus add so much to the producing force of the State, or increase to that extent the profits of agriculture.

On the continent of Europe, where economy of farming has been the especial study of the most practical and best business minds the world has ever produced, the agriculturist has been induced to dispense with the expensive practice of fencing his land. A fence, there, is the exception, and not the rule. The same subject is engaging the attention of the best farmers and agricultural associations of the Atlantic States. Honorable Ezra Cornell, late President of the New York State Agricultural Society, and one of the best and most successful and intelligent agriculturists in that State, and who has lately proved his devotion to the best interests of agriculture, by donating half a million of dollars for the establishment of an agricultural college in New York, estimates the expense of sustaining the present system of fencing in that State at ten million dollars per annum, and in addressing himself to the farmers, he asks and answers the following pertinent questions: "Is this a good investment? Do we get a fair and full equivalent for the investment of one hundred and fifty million dollars, for such it really is, as the ten million dollars, which we pay annually to sustain our fences, with our farms as collaterals, would secure the use of that sum by loan? I think not; and I desire that our farmers should begin to reflect upon this subject, and see if it is not time to commence a reform in that direction." He then advises the farmers of New York to wisely prepare themselves for a change that is *sure to come*, sooner or later, and says he has already commenced the change by doubling the size of his fields, lessening the quantity of inside or division fences, and strengthening the outside fences, assuming these will be the last they will dispense with. Now, if the farmers of Europe, after a long experience, which has brought them to understand this question in all its business and economical bearings, have not only stopped the outlay for sustaining fences, but are actually grubbing up the green hedges, which they had to some extent substituted instead, and the farmers of New York and other old Eastern States, almost all of whom have the necessary timber for fencing growing on their own farms, and have only to cut and split it into stakes and rails to prepare it for use, have deliberately come to the conclusion that they have heretofore been acting upon the wrong principle, and unnecessarily incurring a large expense, and are earnestly preparing to dispense with this expense in the future, ought not the subject at least to claim the calm and unprejudicial consideration, not

only of the agriculturist, but also of all others who have the best interests of the State at heart, and who by their position and influence help to shape the policy of California in this respect? We, as an agricultural community, are now passing through that trying and discouraging period to which nearly all new States have been subject, resulting from a want of constant and capacious markets for our products, and easy and cheap communication between the great producing districts and those markets; and now is the time, not only to curtail our present expenses, but to seek out and adopt those principles and rules of action, to which we may profitably adhere in the future, when more prosperous times await us.

The expense of building and keeping fences in repair in California, owing to the distance of proper and available timber from the agricultural districts, and the cost of transportation, are probably greater than any other country in the world.

In New York, by the estimates of Mr. Corning, a good rail and stake fence can be built for thirty cents a rod, or ninety-six dollars a mile—costing one hundred and ninety two dollars to build a good fence around a farm of one hundred and sixty acres. In California, a good post and plank fence, the cheapest good fence that can be built, will cost two dollars and nineteen cents a rod, or seven hundred dollars a mile, and fourteen hundred dollars to inclose the same sized farm. In connection with this fact, let us look at the relative prices of some of the products of the farm in the two States.

In New York, wheat, at wholesale prices, is worth two dollars and a half per bushel, and barley is worth one dollar and twenty cents; while in California wheat is worth only one dollar and twenty cents per bushel, and barley but fifty cents. Add to these facts another very material one, that while in New York the farmer sells his wheat and barley in the bulk, in California he is obliged to sack all his grain for market at an expense of from fifteen to twenty cents per bushel, thus in effect reducing the above prices that amount per bushel—and is there any difficulty in solving the problem of the unprofitableness of the present system of fencing farms and raising grain in California, and of the necessity of a change to prevent universal bankruptcy to this interest?

It is estimated by a gentleman for a long time in the grain business in this State as a merchant and owner of flouring mills, that the annual loss to the farmers by the purchase of sacks is not less than two million of dollars. This is an absolute loss to the State, to say nothing of the unnecessary additional expense of moving grain in this shape, which comes out of the consumer.

To dispose of the expense of sacks, it is believed that if the farmers would combine together and steadily and firmly refuse to deliver their grain in them, the speculators and mill men, to avoid this unnecessary tax upon their business, would soon find means to handle grain in bulk, by the use of elevators and other appliances adopted in other countries, and the freight men would readily conform their means of conveyance to the requirements of the case, as they have elsewhere, and thus would result a great saving to the State, and particularly to the farming interest.

Again, it has been estimated by a careful writer and statician, that the fences in thirteen leading agricultural counties in California, viz: Alameda, Colusa, Contra Costa, Napa, Sacramento, San Joaquin, San Mateo, Santa Clara, Santa Cruz, Solana, Sonoma, Sutter and Yolo, cost the agricultural interests in those counties the sum of nineteen millions five hun-

dred and ninety-four thousand nine hundred dollars. That the annual expense of keeping these fences in repair, including interest on the original investment, is five millions nine hundred and forty thousand six hundred and seventy-four dollars. The same writer estimates the total value of the gross annual agricultural products of the same counties, excepting stock, at twenty millions sixty thousand eight hundred and twenty-four dollars. By this estimate it appears that the original cost of fencing the farms in these counties, supposing them to be well fenced, is very nearly equal to the total value of their entire crop for an average year. And the cost, per annum, of sustaining these fences in repair, is over one-fourth the total value of the annual agricultural crops which they are designed to protect.

It is hardly necessary to state that this enormous, and to some extent self-imposed tax upon the agricultural interest in these counties is thought to be necessary in order that their horses and cattle may be allowed to roam at large upon the public commons as the monarchs of all they survey. Sheep and hogs must be left out of consideration in these estimates, they not being among the privileged classes of quadrupeds—not free commoners. Then let us inquire what is the value of the horses and cattle in these counties, for whose benefit all this money is expended and these hardships are imposed upon the farmers and their families. The same writer, whose estimates we have used above, and he bases his figures upon the official returns of the County Assessors, makes the whole value of all the horses, mules, cattle, sheep and hogs in the thirteen counties above named, eight million eight hundred and four thousand seven hundred and twenty-four dollars. About one-fourth of this entire value, or two millions two hundred and one thousand one hundred and eighty-one dollars, is represented by sheep and hogs, leaving the total value of the stock against which the fences are built, six millions six hundred and three thousand five hundred and forty-three dollars. The yearly increase or product of this stock is about thirty-three per cent, or two millions two hundred and one thousand one hundred and eighty-one dollars.

Now let us look at the deformity of this system of farming, from a business or economical point of view. We have invested nineteen millions five hundred and ninety-four thousand nine hundred dollars, and are annually adding five millions nine hundred and forty thousand six hundred and seventy-four dollars to the original investment, for the purpose of fencing stock worth only six millions six hundred and three thousand five hundred and forty-three dollars, and the annual increase of which is only two millions two hundred and one thousand one hundred and eighty-one dollars out of the grain fields, or, which is the same thing, or more truly the fact, for the purpose of fencing this stock in that great field known as the commons. The strangest part of this whole subject is the fact that a very small portion of this stock, or but little of this big field—the commons—around which this fence is built and maintained, belongs to the people whose money and time goes to build and maintain it. And yet, from force of habit, they persistently continue to impose this tax upon themselves in the vain attempt to surround other people's cattle with a *lawful* fence, and thus relieve the owners of the expense of a herder, and prevent the cattle from doing damage.

In view of these careful estimates, proving the impracticability of maintaining the present system of fencing and farming, and abundantly confirmed by the condition of our agricultural districts, as presented to the eye and ear of any one who may travel through them and become conversant with facts as they present themselves, we submit that good

policy requires a fundamental change in the system in this State, and we hope the Legislature will examine this matter in the spirit of compromise and conciliation between the conflicting interests, and so act as to bring the greatest good to the greatest number.

A law was passed in eighteen hundred and sixty-four, applicable only to a few counties, popularly known as the "Fence Law." The principle of this law we believe to be correct, but the working features of it are most objectionable, and should not be allowed to remain on the statute book, but a general law, applying to all the agricultural portions of the State, embodying the same principle, but omitting the objectionable features, it is believed would be of great benefit to the State.

## IRRIGATION.

The great and unvarying characteristics of the general climate of California, an alternation between a long wet or rainy season, and a season of equal length without any rain, and with frequent dry winds, lapping up the moisture from the surface of the earth with a rapidity almost incredible to those who have not actually observed it, and at times seeming to poison or blight and nearly ruin the annuals, which constitute the principal agricultural products, induced the early settlers of the ancient Spanish Missions in portions of the State to build extensive canals and other appliances for irrigating the soil, and thus they rendered a bountiful harvest as certain as the annual return of the happy harvest season.

The absence of the fostering care and encouragement of a steady and efficient government, was followed by the rapid decline of these ancient and once prosperous settlements, and consequent decay and ruin of their important agricultural improvements.

The advent of the Americans in this country, having been followed by a number of seasons of more than an average annual rainfall, we were about to come to the conclusion that the costly irrigating preparations of our predecessors were entirely unnecessary, and that the soil only needed the application of our more thorough system of cultivation, to make it produce to the utmost of its capacity.

A succession of dryer seasons and comparative failure of crops, have served to prove to us that although more thorough cultivation will very much increase and render more certain our annual productions, yet to secure an abundance, and to place us independent of drought and safe from its consequences, we must adopt the system of the Mission Fathers, and extend them over the whole agricultural portions of the State.

We are indebted to a few members of the Legislature of eighteen hundred and sixty-two, for a short statute extending the same powers to condemn private lands for public use, possessed by railroad corporations, to ditch and canal companies organized for the purpose of irrigation or water power, or for the conveyance of water for mining or manufacturing purposes.

Under that law companies have been organized in different portions of the State for irrigating purposes, and among the most advanced and successful are the Cacheville and Woodland companies in Yolo County, with particular reference to which localities, the law, though general in its application, was originally framed and passed.

There are in Yolo County five main ditches, taking the water from Cache Creek in as many different places, with an aggregate length of

twenty-five miles, which, with their collateral branches when completed, will be capable of irrigating over one hundred thousand acres of land, but only the two above named are so far completed as to show any material results.

To Judge Hutton of the Cacheville company, and Nicholas Wyckoff of the Woodland company, we are indebted for some very interesting and important facts, to which we would call particular attention. These gentlemen have both been practical farmers in that county since eighteen hundred and fifty or eighteen hundred and fifty-one, and both being close, careful, and intelligent observers, made more so probably by the trials to which all our farming community have been subject for a few years past, their experience becomes of the greatest value to the agricultural interests throughout the State. To show how nearly alike the benefits of irrigation are in both sections, we will give short extracts from the letters of each, addressed to the Secretary of this Board, and which will appear in the body of the transactions for the year. Judge Hutton, whose experience in irrigation extends back to eighteen hundred and sixty, when the main ditch of that company was built, says:

"It has been found by practical experience that the advantages to crops from irrigation are as follows, as near as can be ascertained:

"That in the most favorable season the yield of small grains, and especially such as are late sown, may be increased by a judicious system of irrigation from one-fourth to one-third in quantity; in ordinary seasons from one-third to one-half; and in the driest seasons, when the crops fail entirely without it, by irrigation we get the ordinary yield—say from thirty to fifty bushels per acre. And as to corn, vegetables, and fruit, what cannot be successfully produced without irrigation, by it are grown in great abundance and excellent in quality."

Mr. Wyckoff says:

"That even in good seasons, an irrigating ditch through a section of land, like the one in which I live, Woodland and vicinity, will make an increase in productions of twenty per cent; in ordinary seasons, from thirty to fifty per cent; in seasons like eighteen hundred and sixty-four, one hundred per cent. A crop that yields twenty bushels per acre, or less, gives no profit to the farmer—all being consumed in its production. Therefore, whatever is added by irrigation in such cases, should be the measure of value to the farmer, and must lead him to admit that his profit has been wholly made by irrigation. The certainty that the farmers would have of making a crop every year, should be a conclusive argument for the construction of ditches to irrigate all lands possible."

The letters are both lengthy, and full of valuable practical information. They agree that water serves also as a valuable fertilizer of the soil, bringing down, in solution, from the entire surface of the mountains and high lands, from which the water is collected, the fertilizing ingredients annually deposited by decaying vegetation and animals, and yielding to each field irrigated sufficient to keep to a high state its producing qualities. That it may be applied with equal benefit at any time from the first of November to the first of May, and when well applied in any season, wet or dry, will insure a crop, on an average, of forty bushels of wheat or barley per acre. From them, we also learn that the cost of irrigation is not over one dollar per acre to those who take water from

the companies named, and that the amount of land irrigated from both ditches this year is six thousand five hundred acres. From these data we draw the following deductions, and will endeavor to show the immense importance of the subject to the productive resources of the State.

Taking forty bushels per acre as the average production of good land well irrigated, and according to the statements in the above extracts, the average increase in a favorable season, like eighteen hundred and sixty-five, is nine bushels per acre from irrigation, and in an ordinary season, say like eighteen hundred and sixty-three, it is eleven bushels and five-twelfths—call it eleven and a half for our calculation; and in a very dry season, like eighteen hundred and sixty-four, when the land would produce nothing without irrigation, by irrigating you secure the whole forty bushels. Hence, on the six thousand five hundred acres irrigated in eighteen hundred and sixty-five, a few farmers increased the amount of their crops fifty-eight thousand five hundred bushels; in an ordinary season, on the same number of acres, the increase would be seventy-four thousand seven hundred and fifty bushels; and in a season like eighteen hundred and sixty-four, the increase would be two hundred and sixty thousand bushels.

Supposing the grain raised by those few farmers this year to have been one-half wheat and one-half barley, though we believe it to have been a larger part wheat, at the usual rates their increased crops were worth forty-nine thousand seven hundred and twenty-five dollars; from which deduct the cost of irrigation, and we have forty-three thousand two hundred and twenty-five dollars as the net receipts from an outlay of six thousand five hundred dollars. That same land, without irrigation, produced nothing in eighteen hundred and sixty-four, and would have produced nothing had it been sown to the same grain and cultivated in the same manner as in eighteen hundred and sixty-five, saving the water. But with the water at the same cost, the net increase to its owners would have been four hundred and eighteen thousand one hundred and ninety dollars at the rates grain sold for that year.

This is not all; the quality of grain raised on land well irrigated is very much better than that on land not irrigated. Upon inquiry among the owners of flouring mills in this city, who have bought and manufactured the wheat from Yolo County for years, we find they are of opinion that the improvement in quality on an average is at least twenty-five per cent. This is no small consideration when we consider that this quality, as well as quantity, can by irrigation be kept up year after year with almost as much certainty as seed time and harvest follow each other. It is the opinion of the best judges that with an improvement at the outlet of Clear Lake, from which Cache Creek is principally fed, the creek can be made to furnish a sufficient quantity of water to irrigate in the driest of seasons the whole one hundred thousand acres the ditches projected are designed to flood. If such be the case, then that area of land in a year like eighteen hundred and sixty-four, when it would yield nothing without water, could be made to produce the enormous quantity of four million bushels, and in an average of seasons the increased product from these facilities would be three million bushels, or more than one-fourth what the entire State produced of wheat in eighteen hundred and sixty, as stated by the national census. Add to these considerations the fact that with a good system of irrigation every farmer on lands like those under consideration can produce every variety of vegetables and fruits in great abundance, while without it none can be depended on, and consequently we may now ride hundreds of miles through the grain farming



sections of our State, without seeing a single vegetable garden, and we can form some idea of the changes that the general adoption of such systems would produce in the appearance, comforts, and prosperity of our agricultural communities.

Again: the lands in the neighborhood of these ditches are held at fifty per cent higher than they were two years ago, and farms that could then be had for the taking, are now held at from two thousand to three thousand dollars. Farmers in those sections are coming to regard their homes as of some value, and to realize that a California farmer may yet become, as in other countries, an independent and prosperous man, made happy by the reflection that he has about him in great abundance, for himself and family, the necessities and luxuries of life—all the fruits of his own industry, produced on soil of which he has the undisputed ownership.

Water is the great desideratum. While Providence has not seen fit to provide for its general and necessary perennial distribution over California by the same means He uses in most other countries—the distillation from the clouds—yet He has so located and formed this country that we may not only have it when and where we want it, but He has placed it, in the greatest abundance, so completely within our reach and control, that we may use it to our very best advantage, and, at the same time we are not liable, as in other countries, to damage from its coming upon us in the seasons of our harvests.

What other country of equal dimensions in the world is so admirably spread out, levelled and graded with the proper slopes for irrigation, as our great inland valley, bounded by the Coast Range on the one side and the Sierra Nevadas on the other, and extending from Fort Reading on the north to Kern River on the south. There is scarcely a foot of this great valley, embracing at least twenty millions of acres of land as rich as the valley of the Nile, but can be abundantly irrigated by the waters of the Sacramento, taken out high up and conducted in canals down along the foot hills on either side, and from the waters of the Feather, Yuba, American, San Joaquin, and thousands of lesser streams, as they flow from the mountains on the east and west, and find their way, with all the rich fertilizing ingredients collected from this vast watershed, into the Ocean. Here is space for gigantic plans or systems of irrigation. Here is room for the application of engineering talent of the highest order, and the building of works of such immense value that the names of their projectors will go with them down the stream of time, associated with the blessings they will convey to generations far distant in the future.

This work is of sufficient magnitude and will be of sufficient benefit, in our opinion, to justify the General Government in donating her entire interest in this land to the State for the purposes of its accomplishment. Why should not these vast plains, lying back from our great rivers, almost valueless without such improvements, be as justly and properly the subject of redemption by Government land aid, as the lesser extent of tule or swamp lands bordering immediately on their banks? If the policy is good, and it certainly is, in the one case, then why not in the other? The object is to render valuable and productive, and a source of income to the Government, that which is now of little or no value to individuals, and yields no income. The policy of so managing these lands as to render them valuable, and to induce their settlement and cultivation is in direct harmony with the declaration of President Johnson in his late Annual Message, when, speaking of the wisdom of the Homestead Act, he says: "Experience proves its wisdom. The lands in the hands of

industrious settlers, whose labor creates wealth and contributes to the public resources, are worth more to the United States than if they had been reserved as a solitude for future purchasers." By such improvement of these uplands, we shall use a good share of the water which now flows into the lowlands, and while it would improve the former by flooding, it would also improve the latter by preventing the floods. In this connection we would congratulate the people, and particularly the farmers of our State, that we have in our National Congress and in the important position of Chairman of the Committee on Agriculture, a representative farmer, who understands and fully appreciates this great work, and who may be of great service in securing the necessary aid for its accomplishment.

General Bidwell, in a letter written before leaving for Washington, said: "The same encouragement should, in my judgment, be given to bring water on land which is worthless without it, as to take water from land which is useless with it. The dry as well as the swamp lands require reclamation—one will cost relatively as much as the other. Why, then, should not the Government be as willing to donate the dry lands to the State as the swamp lands."

Proper representation by the Legislature might assist our delegation at Washington to procure such action.

If we examine the statistics of countries where irrigation has been practiced on an extensive scale, we shall find much valuable information and many astounding results which can but be interesting and instructive to all whose interest and inclination it is to investigate this subject with reference to our own State. We submit the following, collected from authoritative sources, and hope that the facts stated as a matter of history in countries not so well adapted by location, and not so much requiring irrigation by climatic influences as our own, will have a tendency to call the attention of those in authority to the importance of the subject and lead to action in the right direction.

The canal of Cavo Marocca in Lombardy is one hundred and fifty miles long and cost eight thousand dollars per mile. The total superficial irrigated region is two thousand five hundred square miles, or one million seven hundred and fifty thousand acres.

The canals of the Ticino are equal to six hundred and twenty-seven and one-fourth miles in length, watering one hundred thousand one hundred and sixty-eight acres.

The canals of the Sesia are two hundred and twenty-five and one-half miles long, irrigating forty-one thousand three hundred and thirty-three acres. The canals of the Dora Batta irrigate one hundred and fifteen thousand five hundred acres.

The whole irrigated region of Piedmont is one million five hundred thousand acres. The amount of cultivated land is eight hundred and ninety thousand four hundred and fifty-four acres, and the area is covered by a network of canals more than one thousand two hundred miles long. The entire length of the canals of Lombardy is four thousand five hundred miles, irrigating over two million of acres. In the entire valleys of the Po, Piedmont, and Lombardy there is an increased rental of eight hundred and thirty thousand pounds sterling per year, for an expenditure of forty million pounds sterling; and the progressive increase in population for the irrigated districts is two hundred and seventy-eight one-thousandths per cent. while for the unirrigated districts it is only one hundred and seventy-four one-thousandths per cent. In the Motara and Vignano districts, there was no regular culture; the population was scanty and poor, and their indus-

try and internal commerce languishing. Now, as irrigated, it has become richly productive and one of the most densely populated regions in Europe.

In India the canal of the Western Jumna is four hundred and forty-five miles long, irrigating eight hundred and fifty-nine thousand nine hundred and two acres. The best watered district is the great sterile tract of Hissar, the chief towns of which in eighteen hundred and seven were literally without an inhabitant. In eighteen hundred and thirty-seven and eighteen hundred and thirty-eight, the gross value of crops in all was one million four hundred and sixty-one thousand two hundred and seventy-six pounds sterling. One-tenth was paid to the Government as land rental, and the remainder supported during a famine over five hundred villages.

The canals of the Eastern Jumna measure five hundred miles, irrigating four hundred and twenty-one thousand eight hundred and seventy-six acres. The gross value of the crops in eighteen hundred and forty-six and eighteen hundred and forty-seven on irrigated lands, which otherwise would have been unproductive, was four hundred and eighty-eight thousand four hundred and ninety-four pounds sterling, of which one-tenth was Government revenue.

The Sutlej canal waters an area of three hundred and twelve thousand acres; its increased land revenue is twenty-four thousand three hundred and twenty-one pounds sterling. The value of the crops from irrigation was one million four hundred and eighty-eight thousand five hundred pounds sterling.

The Ganges canal is eight hundred and ninety-eight and one-half miles in length, and irrigates four million five hundred thousand acres. The increased land revenue is four hundred and two thousand eight hundred and ninety pounds sterling. The value of the crops from irrigation, on land not otherwise productive, was seven millions six hundred and fifty-three thousand one hundred and twenty-five pounds sterling, of which one-tenth was returned to the Government. The excess of the crops of the irrigated lands above those unirrigated, was for wheat and barley four hundred and eighty million pounds, equal to three million dollars per year; and when the works of the Ganges and Sutlej shall have been completed, the agriculture on which twelve thousand souls depend will be secured; produce valued at not less than fifty million dollars per year will be placed beyond the contingencies of the seasons, and pay to the State in public revenue fifteen million dollars annually protected from fluctuation.

The canal of Urgel in Spain, is seventy-two miles in length, and waters one hundred and ten thousand nine hundred and twenty-four acres of land. From the parliamentary returns of England in eighteen hundred and fifty-four, the extent of land under the title of irrigated meadows, amounted to one million two hundred and ninety-two thousand three hundred and twenty-nine acres, and several meadows, once arid and worthless, by flooding with water have risen to an enormous value, and are stated to be annually let by public auction at prices varying from seventy-five dollars to one hundred and sixty dollars per acre; and it is estimated that the quantity of green food cut annually from each acre is from fifty to eighty tons. In regard to the nutritious quality of grasses on irrigated land, Professor Way, in his recent valuable analysis of grasses, in the Royal Agricultural Society's Journal, has revealed the astounding truth that irrigated grasses contain twenty-five per cent more meat-making matter than those not irrigated. One great effect of irrigation by flood-

ing, is in killing insects and their larvæ, and worms, mice, squirrels, moles, and other noxious animals living under the ground.

## LAND TITLES.

A very serious drawback to the prosperity of our agricultural interests, is found in the unfortunate condition of the land titles, or rather the *want* of titles to the lands in this State.

In early days, the great number of Mexican grants, claiming to embrace within their boundaries the larger portion of the best agricultural land, and at the same time claiming the right to change those boundaries, and float and locate the claims wherever the settlements of the country should indicate the land most desirable and valuable, acted as a great discouragement to the *bona fide* settler, and retarded very much the development of our agricultural resources.

While this discouragement has been gradually being removed by the final confirmation and location, or rejection, of these grants by our Courts—another, and, if possible, a greater barrier has been arising from the policy pursued in the management of our State lands. The General Government has donated to this State, for various purposes, about eight millions nine hundred and fifty-seven thousand six hundred and eighty acres of land; and although the disposition and management of these lands have formed a subject for a part of the annual message of every Governor of the State since eighteen hundred and fifty, and although the laws regulating their location and sale and the manner of giving title to the purchaser have been the prolific themes of legislation in nearly every Legislature since the organization of the State—yet, at this late day, the State, even, has not a title to one single acre, and is not able to make good her promises to one of the many thousands of persons who have purchased of her in good faith nearly the whole amount of these grants, if they were all to come forward to-morrow, pay into her Treasury the balances for which they have become severally obligated, and demand of her what she has promised them upon the performance of that act—a title. The result is that many of the purchasers have lost confidence in the promises of the State, and have ceased to hope to secure that evidence of ownership of the land they occupy, and which is so necessary as an incentive to energy, improvement, and prosperity. Many laboring under these discouragements have abandoned lands, which, under other circumstances, would have been improved and cultivated, and yielding not only a good competency to the owner and his family, but a handsome revenue to the State. Others, from the same causes, have neglected to pay up the interest upon the amount of purchase money left on credit, and have thus legally forfeited not only all the money they have advanced, but all claims of ownership to the land they attempted to purchase. The District Attorneys, in many of the counties of this State in which are located swamp and overflowed lands, acting under authority of law, are, at this time, prosecuting actions of foreclosure against thousands of persons, who, in consequence of these causes, have neglected to pay up the accruing interest on their obligations given for these lands. Thus, while the State is with one hand disposing of lands, to which she has herself no title—she is, at the same time, with the other hand, prosecuting her citizens for the non-fulfillment of their part of the contract, and not only



taking from them the land which she, to say the least, unwittingly induced them to purchase from her, but also causing them to forfeit all the money she has received of them in advance.

A very large number of our citizens, who have located school and other State lands, are liable to the same prosecutions with the same results, and are only saved from them by the forbearance of the officers to enforce the law. While such is the unfortunate and perplexing condition of the titles of the lands which have been donated to the State by the General Government, private individuals, by application, energy, and perseverance, coupled with a little good business tact, have been able to secure the government patents for large tracts of land to which they originally claimed title by Spanish grants, but which the Courts have decided against them. The evils connected with our land interests are becoming a most serious source of oppression and wrong to our people, and should not longer be allowed to exist. If the State cannot give titles to lands, we submit whether it is in good faith to enforce from her citizens the moneys they have been induced to promise her for them under a misapprehension of facts. Let her first obtain titles from the General Government, by the exercise of some of that business tact which individuals have brought into requisition for a similar purpose, and she will then find plenty of purchasers for all her lands, who will not only be willing but able to pay for them.

#### AGRICULTURAL LANDS IN THE MINERAL DISTRICTS.

There are within the mineral districts of California thousands of acres of the most valuable agricultural lands in the world. Valuable from the fact that they are located near and surrounded by a constantly good and reliable market, created by the mines themselves, and the fact that the soil and climate are so particularly adapted to each other, as to render the lands capable of producing, in quantity unsurpassed, and in quality unrivalled, nearly all the most valuable productions known to the most favored temperate and tropical climates. And yet, by the policy of our General Government, prompted and insisted upon by the State, these lands are withheld from survey and sale, and consequently their cultivation and improvement discouraged and delayed.

Not only this, but by the decisions of our Courts an agriculturist or horticulturist, no matter how ancient or sacred his claim, or how costly and valuable his improvements, in the way of vineyards, orchards, buildings, irrigating facilities, etc., cannot acquire even a *possessory* right to the soil which a miner is bound to respect.

What vast fields for the profitable investment of capital and employment of labor—what immense resources of individual, State and National wealth, are by this policy as effectually and completely closed to the enterprise and enjoyment of our citizens as though they had no existence! We buy of France, of Italy, and Germany, our delicious wines and cordials, our valuable brandies, our indispensable raisins, figs, and prunes, and many other invaluable fruits and delicacies, while we possess in these forbidden hills and valleys a soil and climate superior to those of France, Italy, or Germany, for the production of all these articles, not only in quantity sufficient for our own use, but for the supply of the world.

While we would not recommend a change of policy in the management of the lands more valuable for mining than agricultural purposes, yet we do not believe it necessary, in fostering the development of the former, to

discourage and refuse the cultivation, improvement, and enjoyment of the latter. We would therefore recommend the segregation of the agricultural from the mineral lands, and that the former may be sold in such quantities as will best induce their profitable development and cultivation. This policy must in time be adopted, or one deemed objectionable to the mining interests will be forced upon us. If the State would have a policy in this respect of her own, one in accordance with the best interests of all her industries, let her take the lead in this matter and she may secure it.

#### AGRICULTURAL AND MECHANIC ARTS COLLEGE LANDS.

We deem it fortunate for the interests of the College Fund, that although there has been a law on our statute book for the last two years and over, providing for the sale of the one hundred and fifty thousand acres of land donated to the State for an Agricultural College in the same manner as other school lands have been disposed of, yet not one acre of that land has been applied for or sold. This land being, by Act of Congress, required to be selected from lands subject to sale at private entry, would not probably be applied for and sold under the present plan for a long term of years, and the College would thus be deprived of the benefit of the money to arise therefrom. It is hoped the Legislature will adopt an entire different policy in regard to this land from the one which has been the cause of so much trouble to all who have had anything to do with the land embraced in other donations. Let this land at least be kept clear from difficulty, and let it be so managed that when sales are made titles can be given, and the money received for the benefit of the College Fund.

In our opinion, the following plan will accomplish this object: Let the Legislature provide for the appointment of a College Land Agent, who shall obtain from the Registers of the several General Land Offices in the State a list of all the land which is or may be subject to sale at private entry, and when this Agent shall find land in this condition, and desirable and valuable from its probable early availability for the purposes of the grant, let him locate and enter it in the name of the State of California, and through our State Land Office obtain a title to the State. And when a title to a sufficient number of acres has thus been obtained to make it an object, let the same be advertised and sold by our State Land Register, and the money received be invested in accordance with the requirements of the law making the grant.

Such a plan is perfectly simple and straightforward, and if adopted, we have no doubt the whole of this grant may be obtained by the State and sold, and the proceeds realized for the benefit of the College, before the difficulties in regard to the other grants between the State and General Government can be disposed of.

#### A COLLEGE FOR THE BENEFIT OF AGRICULTURE AND THE MECHANIC ARTS—OR AN INDUSTRIAL COLLEGE.

To secure to California the Congressional donation for this purpose, the necessary preliminary steps for the establishment and organization of an Industrial College must be taken by the present Legislature. It seems

to be admitted on all hands that this will be done. This being assumed, the most important questions for consideration in this connection are:

*First*—The character of the institution demanded by California—or the leading objects to be embraced in its organization and management.

*Second*—Its location—with reference to these leading objects.

*Third*—Its endowments—or funds necessary for its support.

In preparing for the establishment of an ordinary college or literary institution, the objects of such institution being so well defined and generally understood and so similar the world over, the work is comparatively plain and easily accomplished—the one great question in every country being to obtain the necessary means. This being accomplished, all else will follow, as it were, in a well beaten track or well defined channel.

Not so as regards Industrial Colleges. They are institutions of comparatively a late date—particularly in this country. The objects of these colleges being to educate their students in those sciences and arts which will best prepare them for the thorough and intelligent development of the natural resources of the country in which each is located, it follows that the organization and management of an Industrial College in Germany, or France, would not serve as a precedent or model for the organization and management of an Industrial College in the United States. Nor would a College so organized and managed as to meet the requirements of such an institution in the State of Michigan, Pennsylvania, or New York, meet the demands or accomplish the objects of an Industrial College in California. A student so thoroughly educated as to be able to take an intelligent and leading part in the development of the most important industries in France or Germany, or in either of the States named, would be required to forget much he had learned and take new lessons in our College, to be of much use here, or to occupy a like important or leading position in the development of the principal resources of California. It is true, a University *may* be established, and so equipped with professors and facilities, as to be able to take its students to the utmost limits of human knowledge in all its various departments; but such an institution is more of an ideality than a reality. The most liberally endowed and thoroughly appointed universities of Europe do not pretend to this even in theory, and certainly they do not and cannot accomplish it in practice, and the best of our colleges and universities—Yale, Girard, and Harvard, with endowments ranging from a million and a half to two millions of dollars, and with from forty to fifty professors each, can scarcely be compared in thoroughness and efficiency, especially in the scientific departments, to the better class of similar European institutions.

An Industrial College, then, such as we are about to establish in California, must, at least for the present, be more limited in its objects, and should partake in an eminent degree of the qualities of utility and practicability. It should be made to conform in a most rigid manner to the subjects necessary to the development of our leading and most important resources. It should, however, be the aim and purpose to so organize and equip it in the beginning, as to render it competent, not only to lead students to the limits of human knowledge upon the subjects of agriculture and the mechanic arts, mining, in all its departments included, and both taken in the most extensive sense, but also to so fortify them with all the sciences in any way connected with or tributary to these arts or industries, as to enable and prepare them to go on in advance with original investigations and experiments, and thus become

leading scientific inventors and discoverers in the anomalous and almost unlimited fields presented for study and practice, in these departments, on this coast.

In the establishment of an Industrial College for our State, or for the Pacific coast, California should and doubtless will be the pioneer in this enterprise west of the Rocky Mountains, the representatives of no particular industry or locality should be selfish or contracted in their views or actions. The agriculturist should remember that we have on this coast not only the most extensive mineral regions known in the world, but that we have a greater variety of mines of valuable metals embraced in an equal extent of country than has been or probably can be found in any other part of the globe. That these minerals found are so combined and intermixed with each other and with worthless matter, as frequently to resist the most skilful attempts to separate and successfully and economically work them, by the application of the most approved methods known to men best versed in the analytical sciences applicable to the art of the metallurgist. That the location, dip, and anomalous positions of our mineral bearing ledges frequently confound and disappoint the most scientific and skilful mining engineers the world has produced, and cause ruinous outlay of labor, time, and means. That for the want of men prepared by study and practice upon the ground, to select or manufacture and erect, and skilfully superintend the necessary machinery, for the want of a supply of skilled labor to do the necessary work in the exact manner required, the mines of California are to-day producing but thousands, where they should produce millions.

That we are subject to great expense in transporting immense quantities of ores to the old countries for reduction, and are paying millions of dollars to labor in foreign lands, when all these mechanical operations should be intelligently accomplished, and all this labor should be artistically performed in our own borders, and all this money be retained and circulated among our own people. In short, that the great centre of mineral wealth of the world, should also be the great centre of mineral knowledge and art—that a greater than Swansea should be built up and maintained in California. To accomplish these objects requires the necessary knowledge and skill, and these can only be attained by application and study, and practice in the proper direction, and with the necessary facilities. To furnish these facilities, the Industrial College, to be established and sustained in California by the means and patronage of the whole people, and for the benefit of all the industries of the State in proportion to their present or prospective relative importance, should be so located, organized, and managed as to give to mining and all the sciences and arts connected with it, their full share of attention and consideration. An increase of knowledge in mineralogy, in the broadest sense of the term, should be, if not the first, certainly one of the first objects of the institution.

The miner in turn should remember that California presents the greatest variety of soils, lying under the greatest differences of climate, and consequently is possessed of more extended agricultural resources, and is capable of growing more diversified agricultural productions, than any other equal portion of the earth's surface known to man. That the lessons in agriculture, learned by theory or practice in any other country, are of but little value here. That the science of agriculture is the foundation of all other sciences. That agriculture itself is the great basis upon which all other arts are constructed and sustained. That agriculture feeds every other occupation; that it gives life and energy to the

skilled engineer, who points out the location of the precious metals, and lights the torch of the miner who penetrates the deep caverns of the earth and brings those metals to the surface. That the more science, intelligence, prudence, and economy applied in the agricultural pursuits, the less the cost of feeding, clothing, and sustaining all other occupations, and the more labor will be spared to engage in other employments to increase the wealth of the State. That the agriculture of California can and should be so revolutionized and improved as to produce, in the greatest abundance, all the necessities and luxuries demanded by her citizens for consumption, and thus retain within our borders millions of dollars annually exported for the products of other soils prepared by the labor of other people.

The improvement of agriculture, equally with the improvement of mining, should form another leading consideration in the establishment and conduct of the Industrial College; and these two great leading industries being provided for, all others, including commerce, the trades, and learned professions, will naturally assume their proper position and receive their share of consideration.

#### LOCATION—WITH REFERENCE TO ITS LEADING OBJECTS.

It having been determined that the leading objects of the College shall be the education of its students in such a manner as practically to prepare them for the great work of intelligently improving and developing the mineral and agricultural resources, it naturally follows that its location should be such as will best accommodate these great industries. It should be as near as possible the geographical centre between them, taking into consideration facilities for reaching that centre by easy and rapid conveyance from all or the principal mineral and agricultural portions of the State. It should be easily accessible to the mines, for the reason that those students who are pursuing a course of study with reference to mining as an occupation, should frequently be accompanied to the mining regions by their teachers, that they may see and practically be taught the application of the facts and principles they have been learning from their text books and in the class rooms. This advantage will constitute the principal difference between teaching mineralogy, geology, and mining, as applicable to California, in an institution established with especial reference to these objects here, and in teaching the same subjects in an Industrial College in Germany. The practical illustration and real business operations of life, upon the very ground on which the student is to engage in those operations, when he shall have graduated and is seeking fields of employment, is what should be ever kept in mind in the management of an Industrial College. If we lose sight of this great principle, and fail to so locate the institution that these advantages may be enjoyed by those who desire them, we abandon the very objects for which the College is to be established. The practical, living experience of the miner, and the extensive reading and general knowledge of the professor of geology, mineralogy, and metallurgy, must be constantly associated together, and go hand in hand, or our Industrial College will fail to present to the miner any advantages over an ordinary literary institution.

When we consider the location with reference to the interests of agriculture, we find reasons, if possible, of a more forcible character than those above named, in reference to the mining interests—reasons that would determine us most positively to reject some localities and accept others. To teach agriculture in any country practically, it is evident we

must have the soil to do it on—for agriculture is the cultivation of the soil; consequently, there must be a farm connected with the College. Not as a model farm, in the usual acceptance of the term; not as a means of affording the students the opportunity of paying a portion of their expenses by labor, though as an incident to the main object this opportunity may and should be afforded; not for the sake of furnishing for the student manual labor to preserve a robust constitution and good health, though this, too, will be an incident, and an important one; but the real or principal object of the farm should be to illustrate, by practice, the principles and sciences the student learns in his text books and recitation rooms. The farm should bear the same relation to the studies pursued that the experimental laboratory does to the study of chemistry. In fact, it should and will serve as an extensive laboratory, and the one prepared by nature, and in which the student will be called upon to make his agricultural experiments, when he goes out into the world as a teacher to teach the generality of farmers the lessons he has learned at the college—the field in which he should be prepared to take the lead and become an original investigator, to add new facts and establish new theories in the agriculture of the State.

In this light the farm becomes as necessary to the success of the student in agriculture, as the diagram to the student in geometry, or the slate or black-board to the learner in written arithmetic. An Agricultural College without a farm attached would, indeed, be an absurdity, and particularly so in California, where the agricultural theories applicable to other countries are of so little value, and where experimental farming is but in its infancy, if, indeed, it can be said to have been commenced, and where the entire future success of agriculture depends upon intelligent and accurate experiments in the soils and climates of California.

Having decided upon the necessity of a farm in connection with the College, let us consider the circumstances that should guide us in the location of that farm, aside from, but not forgetting, its accessibility to the agricultural and mining portions of the State.

Agricultural experiments, to be of the greatest practical value to any particular farmer, should be made in the same or similar climate and soil to those in which that particular farmer is to conduct his agricultural operations, with those experiments as a guide.

But California possesses so many soils and climates that it will be impossible to exactly suit every individual or every location in this respect. The nearest we can come to it as to climate will be to select a medium—something between the damp fogs of the coast counties and the dry heated air of small valleys, surrounded by ranges of hills or low mountains. A location in which these two general extremes meet, and, as it were, neutralize each other, and yet where the essential properties of both are retained, would be the most appropriate as to climate.

As to soil we can do much better. There are localities in the State in which a farm of four or five hundred acres can be found, embracing nearly all the varieties of soils we have. The rich alluvial river bottom, the mucky tule land, the stiff adobe, the red clay and decomposed granite, the dry sandy soil, and the alkali. A location embracing all these varieties of soil and a medium climate, central and easily reached from the agricultural portions of the State, should undoubtedly be the one selected. The selection of any other would be a grave error, and would jeopardize the advantages we hope to derive from the College. But no location should be selected until all desirous of securing it have had fair and full opportunities to present their claims and advantages, and have them

fully and fairly examined and canvassed; nor until all have had an opportunity to make the best pecuniary propositions they can afford, and then the matter of location should be decided in a manner to give no reasonable grounds for complaint from any locality or class of citizens; for, to make the institution what it should be, a benefit, and a source of pride to all our people, it will need the hearty good will and active co-operation of all. Nothing should be done in this respect hastily, or with a view to benefit any particular locality at the expense of the general interest. The Industrial College will be a State institution, will be, to a certain extent, for some time at least, dependent on the State for pecuniary aid, and will therefore be under the general supervision of the Legislature, and should be as convenient and accessible to the members as it can be, other considerations being equal, or the combinations of circumstances and conditions above enumerated being also secured.

#### THE ENDOWMENTS OR FUNDS NECESSARY TO THE SUPPORT OF THE COLLEGE.

Nature and the surrounding circumstances, and the more immediate wants of our State having led us to select agriculture and mining, and the sciences connected with and necessary for a complete knowledge of them in all their departments, as the leading and governing objects in the establishment of an Industrial College for California, it must not therefore be inferred that we disregard any other calling or occupation, or would leave out of our plan of organization the necessary provision for giving them their proper share of attention.

On the contrary, a complete system of industrial education, such as we should aim finally and as we can command the means to establish, should embrace the facilities for teaching all that is necessary to know or all that can be known in regard to the whole range of industrial operations of civilized life.

It should embrace the entire range of human knowledge, as applied to human industry, in the most advanced position of civilized society. It should be prepared to keep pace with the most advanced scope of human thought.

It should embrace within its plan the ability and facilities, not only to teach the *art* of doing all that man, as the representative of the human race in his most educated position, can do, but it should also possess the ability and the facilities for teaching the reasons why, as comprehended and explained in the entire range of the natural and physical sciences upon which all the operations of civilized life are based. With a plan of such magnitude as to embrace the entire range of the physical and natural laws and sciences before us, we should take up the consideration of necessary endowments or funds for the support of an Industrial College in California.

While we are fully and painfully cognizant of the fact that we cannot hope to *commence* with all these plans and facilities, or to put them all in operation for a number of years to come, still we should not fail to keep the magnitude of the undertaking before us, and work with a determination *finally* to reach that elevated standard.

With such an exalted and thorough character for an Industrial College, it is evident that the endowments necessary for its support cannot be less than are required for a first class literary institution. In fact, the necessary experimental apparatus and materials for practically teaching the sciences, will render the expenses of such a College greater than those of a literary character, with an equal number of students and professors. In

order that this branch of the subject may be considered with a just idea of its prospective magnitude, we insert for examination the following table from a report upon a plan for the organization of Colleges for Agriculture and the Mechanic Arts, addressed to the Board of Trustees of the Agricultural College of Pennsylvania, by the late Dr. E. Pugh, at that time President of the Faculty of that institution. This report was made in January, eighteen hundred and sixty-four:

T A B L E  
Showing the Educational Resources of the more prominent American Colleges.

COLLEGES.	Number of		P'd Prof's and Teachers.	Amount of Endowment.	Annual Expenses.	No. Vols. in Library.
	Prof's.	Stud'ts.				
Bowdoin College.....	18	180	.....	\$ 182,000*	.....	30,595
Dartmouth College.....	20	307	\$13,000	217,667	\$ 17,907	35,402
Harvard University.....	56	833	68,000	1,613,884	153,431	149,000
Amherst College.....	17	229	.....	590,000*	18,500	30,000
Brown University.....	12	202	.....	220,000	36,000	37,000
Yale College.....	40	617	.....	.....	78,000	75,000
Columbia College.....	43	689	52,000	1,650,666	79,269	18,000
University of the City of New York.....	26	488	.....	250,000*	14,011	10,000
New York Free Academy†.....	35	916	42,000	.....	52,590	30,000
Union College.....	17	276	19,400	658,000	30,000	18,000
Rochester University.....	11	160	10,950	123,224	13,408	7,000
Vassar Female College.....	.....	.....	.....	408,000	.....	.....
Princeton College.....	13	221	.....	.....	.....	22,200
University of Pennsylvania.....	28	642	.....	306,654	26,844	8,000
Philadelphia High School.....	19	502	.....	.....	23,430	.....
Girard College.....	13	400	.....	2,000,000	85,000	.....
University of Michigan.....	27	286	.....	600,000	40,000	8,000
University of Illinois.....	38	.....	.....	427,625	.....	.....

\* In these, some property which does not afford any income is included.

† This Institution is wholly supported by the City of New York.

It will be seen that the average amount of endowment fund for the eighteen institutions embraced in the above table is over six hundred thousand dollars, while the average annual expenses is forty-seven thousand seven hundred and forty-two dollars. The average number of teachers employed is over twenty-five each, and the average number of students in attendance is four hundred and thirty-four. In his comments upon the resources of these institutions, Dr. Pugh remarked: "Had we time to examine closely into the details of the workings of these institutions, as exhibited in their annual reports, we would find in all of them the most indubitable evidence of the insufficiency of their resources for the accomplishment of the mission they are laboring to fulfil. Whether we examine their linguistic, their literary, or their scientific departments, or any one of the several professional schools which some of them have, we will find in all of them an absence of that *thoroughness* which characterizes the highest order of study. With very few exceptions we will find professors obliged to teach too many different things to teach *anything* very thoroughly, or to keep themselves posted on the progress of knowledge in their own department in the learned world. If confirmation of the insufficiency of their resources were needed, we have it in the constant efforts that nearly all of them are making to secure additional pecuniary aid."

To support any one of the above named institutions in this State, or to support an Industrial College of a character and with facilities equal to the average of those embraced in the above table, it is evident the annual expenses would be largely increased. Everything connected with the general expenses of the institution would cost considerably more here than it does in the Atlantic States, and the wages of professors and teachers would have to be considerably increased. As will be seen by the table, the fifty-six professors in Harvard University receive only sixty-eight thousand dollars, or on an average one thousand two hundred and fourteen dollars each per annum, equal to but one hundred and one dollars per month. By the report of the Superintendent of Public Instruction of California, we learn that the average salary paid the male teachers in our common schools is seventy-four dollars per month, or only twenty-seven dollars per month less than the average wages paid the professors in the first University in America. It is quite doubtful if one hundred thousand dollars per annum would command the services of the Harvard corps of professors in a similar institution in California.

With all the foregoing considerations and figures before us, we are to decide in the first instance whether California shall have an Industrial College of a high standard, embracing within the scope of its teachings the greatest range of scientific and practical subjects, or whether we will be content with an institution of a lower grade, more contracted in the number and variety of subjects taught, and consequently more limited in its sphere of usefulness.

The position we occupy, and the importance of the products of our industries to the world, in our opinion demand an institution of the former character, and we have but little hesitation in expressing our conviction that it will be found in the end not only the wisest but the most economical course.

An institution of a high character always has great attractions, not only for superior professors and students, but for large and liberal private endowments, while one of an inferior character seldom has much attraction for and is seldom crowded much with either.

It having been urged that the Industrial College should be located in

our most populous and opulent city, in order to secure in future years liberal endowments from its wealthy citizens, it may not be improper to state, what every one will recognize as a universal truth, that after an institution of learning has been fixed at any particular location, the *fact of location* ceases to be an inducement for donations; while, if the location be fixed upon, with strict reference to its adaptability to the objects and success of that institution, and the institution itself be so organized and managed as to secure a high character and promise great practical benefit to the State and future generations, it commends itself to the judgment and furnishes a constant and powerful appeal to the pride and liberality of those who have the disposition and means to assist worthy educational enterprises. Institutions of learning never become famed or renowned for their location only, but rather because they secure and judiciously use the elements of success and greatness, and promise and accomplish great good to mankind.

No man ever desired to associate his name by endowment with an educational institution because of its *particular location*, but rather that the institution endowed might become the certain and honorable bearer of his name down to posterity, as the benefactor of his race—something in the same spirit that a high-minded and intelligent father feels a pride and joy in the perpetuation of his name, through the useful and noble deeds of a worthy, honored, and successful son.

It having also been urged as a reason for locating the Industrial College in San Francisco, that the climate there is more "bracing and healthy, and better fitted for sustained study and intellectual effort than that of any other part of the State," we hope it will not be considered improper in this report, while speaking especially for the interests of the industrial classes, to notice this argument and probe its defects. If this reason be good, in reference to this College, which is intended principally for practically teaching the miners and the farmers, and their sons, in the several arts and sciences which relate to their respective callings, and which can only be thoroughly done on the one hand by a frequent recourse to and an examination and work in the mines themselves, as the most valuable laboratory for the mining student, and on the other hand by a constant and continued system of experiments on the farm and in the garden, as the best laboratory for the agriculturist and horticulturist, then with how much more power such a reason would apply to all the mere literary institutions of the State—including the numerous newspapers and journals of the interior—to the religious organizations whose lay members depend on the study and research of their ministers for correct instruction in the Divine truth—to legislative bodies, upon whom the people depend for wise and beneficent laws, and to legal tribunals, who are expected to perform the almost impossible task of reconciling and expounding those laws? If such reason or such argument be sound, then every man in the State who is pursuing a calling which requires intellectual study or research, should remove at once to that particular locality for relief, leaving all other portions of the State to be inhabited and developed by physical labor alone, by the mere machines of society, who are governed and controlled by instinct rather than intellect and reason.

Such a reason, followed to its legitimate results, should lead to the establishment of this institution in some colder and more bracing climate than we have within our borders, and as it seems to ignore the real objects of the institution itself, perhaps it would call upon us to go to the highlands of Scotland—to the great city of Edinburg, which is said to have a ver bracing climate, and which is distinguished for producing some of

the most profound thinkers and scholars of the world, and there plant our Industrial College for the practical education of the future miners and farmers of California.

To go into a populous commercial city, where the students will be entirely removed from the fields of their future operations and all the healthful influences of the country, and constantly exposed to all the enervating luxuries and contaminating vices of city life, so well and surely calculated to unfit them for the energetic and successful pursuits of their future callings, to establish an Industrial College for the practical and experimental education of those who are to become the leaders in developing the vast mining and agricultural resources of California—seems to us a proposition so absurd that we can scarcely believe it to be sincere, especially if it be made by persons claiming the benefits of a climate so peculiarly and exclusively calculated to promote and sustain vigorous intellectual effort or practical and useful thought.

While we would urge no location, for the particular benefit of that location, and unless it be one calculated to promote the general good, we do protest in the name of the industrial classes of the State, in whose interests we have a right to speak, against fixing a College, to be established particularly for their benefit, in such a location as will surely defeat the real objects for which it is intended.

A failure on the part of the agriculturists and miners, occupying the broad, salubrious valleys, and the invigorating mountainous regions of the State, thus to protest against such a proposition, involving, as it does, a double injury and insult to them would, in our judgment, be an unanswerable argument in favor of the truth of the absurd proposition which has called forth these remarks—namely, that this great and noble State of ours, celebrated alike for the invigorating influences of its climate, and the general intelligence and practical and penetrating business energy of its people, has but one place or locality in it "fitted for sustained study and vigorous intellectual effort."

But one more remark upon the proposition in general, of establishing an Industrial or Scientific College in a city in preference to the country: "God made the country; man made the city."

Are God's or man's laws proposed to be taught in the institution? If the former, then certainly the College should be located in the country, where the works of God, or the Book of Nature, can be used as the most important as it is the only absolutely correct and never-failing text book, to which the student, when he goes out into the country and engages in the business for which he has been educated in the College, will have constant occasion to refer.

If, however, the laws, or ways and customs of the residents of cities, usually adopted in dealing with the miner and the farmer in reference to their respective possessions or productions, are the subjects to be taught in the College, then we confess it should be located in the city—and the State may thus avoid the immediate outlay of any of the means it has now or may hereafter have on hand for the erection of buildings for such College, as the streets are a much better and more efficient school to learn such things than the inside of any collegiate walls can be. This fact will prove a happy circumstance to the State, as she will, if she adopt this course, at no distant day need all the money thus saved, with which to enlarge the capacity of her State Prison—a necessity for which will thus be created.

Upon this point Mr. C. L. Flint, late Secretary of the State Board of Agriculture of Massachusetts, who went to Europe to collect information



in regard to the establishment of Industrial Colleges, says in a report to the Board :

"The Industrial Schools in Europe have not been located in the vicinity of its largest cities. The purpose of this is obvious, for, besides the increased expenses to the pupils, the incentives to the waste of time are greater, and the temptation to immorality increased a hundred fold. The nearness of a city, through its show of great wealth, is calculated to lead the mind of the student to speculative pursuits, and to create a distaste to those industrial occupations whose gains are slow and toilsome."

Another expedient, under the pretence of assisting in the endowment of an Industrial College, has been suggested. It is to make over or donate to some existing literary or denominational institution, in consideration of their granting the use of a part of their buildings for a scientific department, all the proceeds of the land donations of Congress. We are informed that some of these institutions have already nominally established scientific chairs or departments in anticipation of such an event, or to induce it, and have at this time their advocates in and about the State Capitol, looking after their interests in this respect. To all such we would put the question whether they are actuated with a desire to assist the State by such an arrangement, or whether they are not in the position of the man who had been in business on his own account until he had become hopelessly involved in debt, and now wishes to find some one with a little ready cash to take in as a partner, that he may lead a more easy life?

And if such institutions be of a sectarian character, as we believe all the Colleges in the State are, we would ask the additional question—what reason can be given why one sect should have the benefit of the endowment of the Government more than another? And how that provision of the Constitution, that no preference shall be given to any sect or profession, can be reconciled with such an act as the one asked?

Upon this subject we have the very best of authority. The late Professor Pugh, who was very instrumental in procuring the passage of the College Land Act through Congress, says in his report: "The object of the bill was *most distinctly*, not simply to found industrial chairs in literary colleges, but to endow Industrial Colleges."

He adds: "No sooner was the bill passed, than in some States the representative of several literary colleges, with singular bad taste, made a general rush to the State Legislature to secure a portion of the proceeds of the bill, and in the general scramble for a portion of the spoils, in some instances, defeated all legislation upon the subject. That literary institutions should, with such undignified haste, grasp at resources (secured for the endowment of Industrial Colleges) to which they had not the *slightest legitimate claim*, is a melancholy illustration of the terrible extremities to which they are driven in the struggle for existence. It should warn those States, which would found State Industrial Colleges to endow them properly, and not cast them into the world to struggle in poverty for existence, guided by a necessity which knows no law and recognizes no right."

"For what are the claims of the literary colleges upon the Land Grant Fund? Can they afford the kind of education required in an Industrial College? Can they organize the four or five different courses of study required to meet the peculiar necessities of an Industrial College? Can they, with their half dozen professors, do the work which fourteen first

class scientific men are required to do, in addition to teaching all their literary studies? No! They would only degrade industrial education to the standard upon which they have heretofore looked with merited contempt. They might well compare the victims of their superficial smattering with the regular students of their classical course, as illustrations of how much better the study of Latin and Greek is for mental discipline than the study of any thing else."

A thoroughly appointed and really practical Industrial College in California, established independently as such, and possessing the facilities for teaching all the best methods of manipulating and reducing the ores and extracting the metals, and with men at the head of each department thoroughly trustworthy, who will command the confidence of capitalists and business men everywhere, and who are not only capable of teaching all that is known in their respective departments, but who are also competent to take the lead and make new discoveries, and improve on old systems and practices, would not only secure the patronage of all our own people who desire information upon the subjects taught, but it would attract students and eminent and practical scholars and business men from all parts of the world. They would come here to avail themselves of a practical special course in the College, preparatory to engaging in profitable enterprises presented to such persons by the inexhaustible riches of our mineral regions, or the attractive features of our agricultural resources. Having examined and indicated the general character of the Industrial College demanded by California, and having pointed out the general requisites and characteristics that should be secured in its location, and having shown the resources and expenses of some of the best American Colleges, and endeavored to prove that an Industrial College of a high character would need no less resources and would be subject to no less expenses, we would call attention to the professorships necessary to be established and maintained to secure an institution of such a character. In doing so we have recourse to a full plan for organizing Industrial Colleges, recommended by the late Dr. Pugh, who spent six years in examining and studying similar institutions in Europe previous to being called to the Presidency of the Agricultural College of Pennsylvania. His plan in full should be attentively studied by those who may be intrusted with the responsibility of organizing the Industrial College of California, but is too lengthy to embody in this report, which is already more extended than we intended it should be.

*First*—The President—a man thoroughly versed in the Natural and Physical Sciences—the responsible head of the College.

*Second*—A Professor of pure Mathematics and the higher Mechanics and Astronomy.

*Third*—A Professor of Civil, Hydraulic, and Military Engineering, and Applied Mathematics.

*Fourth*—A Professor of Natural Philosophy and Astronomy, Mechanics and Physics.

*Fifth*—A Professor of Pure and Agricultural Chemistry and Geology.

*Sixth*—A Professor of Metallurgy, Mining and Mineralogy, and Chemical Technology.

*Seventh*—A Professor of Anatomy, Physiology, and Veterinary.

*Eighth*—A Professor of Natural History, more particularly Zoology Comparative Anatomy, and Entomology.

*Ninth*—A Professor of Botany, Horticulture, and Entomology.

*Tenth*—A Professor of Practical Agriculture and Meteorology.

*Eleventh*—A Professor of English, French, and German Languages, and Literature.

*Twelfth*—A Teacher of Bookkeeping and Practical Commercial and Trade Accounts, Political Economy, and Commercial Law.

*Thirteenth*—A Treasurer, Secretary, and Librarian.

*Fourteenth*—Necessary Assistant Professors and Superintendents, say twelve, including a teacher in Military Tactics.

We are now prepared to present an estimate of the annual expenses of an Industrial College of the number of Professors indicated above, with the corresponding educational facilities, with California prices as a basis:

Items.	Amount.	Total.
<b>ANNUAL EXPENDITURE.</b>		
Thirteen Professors and Teachers, at an average of \$2,400.....	\$31,200	
Twelve Assistants and Superintendents, at \$1,200.....	14,400	
Total salaries.....		\$45,600
Annual additions to Museum, and scientific apparatus and Library.....	\$5,000	
Scientific investigations and assaying.....	5,000	
Incidental expenses and repairs.....	5,000	
Total.....		15,000
Total annual expenses.....		\$60,600
<b>ANNUAL INCOME.</b>		
Three hundred students, at \$100 each.....	\$30,000	
Interest on proceeds of Seminary lands (\$57,000), at seven per cent.....	4,032	
Interest on proceeds of College lands, one-fourth at seven per cent, and three-fourths remaining on the credit of purchaser, at ten per cent.....	17,343	
Income from the metallurgical and assaying departments, in competent and perfectly reliable hands, say.....	5,000	
Income of farm, well managed, and private endowments.....	4,225	
Annual income to balance.....		\$60,600

In the above estimates of income, we have assumed that the Seminary Fund will be appropriated and used as an endowment for the College; and while we can see no objection to such a course, we can see many reasons in its favor. The land was donated to the State for a "Seminary

of Learning," which Webster defines to be "any school, college or university, where young persons are instructed in the several branches of learning which may qualify them for their future employments." This certainly is a perfect description of the institution we propose to establish.

We have also assumed that the one hundred and fifty thousand acres donated for an Industrial College, will be disposed of at one dollar and twenty-five cents per acre, which we believe can easily be done within five years, if the plan proposed in a former part of this report be followed.

There are plenty of lands in the State of a good quality, subject to sale at private entry, and if such lands be looked up and a title obtained in the State, there will be found plenty of purchasers, as none of the difficulties of title which attach to lands of every other class will attach to these. The above estimate of expenses and receipts is intended as a sample of what we think the Secretary's book should show in regard to the financial transactions of an Industrial College adapted to the interests and necessities of California, say five years from the date of opening, or in eighteen hundred and seventy-two. It will cost the State some money to establish a College and put it in such an advanced stage of success and usefulness as indicated in that time, but we believe that the amount required cannot be expended to a better advantage. An institution of an inferior order would prove of but little benefit to any one—of no credit and great expense to the State. Unless California can afford to establish a first class College for the instruction of her industrial students, then she had better not establish any at all, but continue to allow her millions of money to be returned to the earth annually in the future as in the past; her thousands of valuable mines to remain untouched for the want of the proper skill to work them; continue to ship millions of her valuable ores to foreign countries, to be reduced by foreign labor and capital, and send her sons along with them to learn what they ought to learn much better and cheaper at home; to allow her agriculture to languish and grow poor, to become distasteful and be actually spurned and avoided by her most worthy and capable young men, and continue to export millions of dollars annually for articles that ought and may be produced within her borders. We believe with Mr. C. L. Flint, who says in his excellent paper on this subject, that "*the Industrial Colleges must at once assume the highest rank as educational institutions, or they will prove most expensive failures.*"

As we have submitted an estimate of the expense of working a first class College when established and equipped, and pointed out the sources from which such expenses could be met, we will venture to suggest the amount of means necessary to provide the proper buildings and organize and bring the institution up to the standard indicated, within five years from the date of opening, at the expiration of which time it is proposed to make it sustain itself, independent of any appropriation from the State Treasury other than the interest on the lands donated by Congress.



Items.	Amount.	Total.
<b>EXPENSE.</b>		
Value of farm, say 300 acres, and improvements other than buildings.....	\$25,000	
Buildings, for all purposes, to commence with.....	100,000	
Laboratory and apparatus for chemical and assaying experiments and work. ....	6,000	
Library.....	4,000	
Incidental expenses.....	5,000	
Original outlay before opening.....		\$140,000
Average annual expenses for first five years, or to 1872. (\$40,000 per year).....		200,000
Whole expense for organization, and five years' management.....		\$340,000
<b>INCOME—SOURCES FROM WHICH DERIVED.</b>		
Interest on Seminary Fund to date of opening College, say April, 1867.....	\$32,256	
Appropriation for 1866.....	100,000	
Donation by place receiving location, including donations of surrounding counties and individuals.	40,000	
Annual interest on Seminary Fund from 1867 to 1872, \$4,032.....	20,160	
Interest from sale of College lands for first five years, say.....	35,000	
Income from metallurgical and assaying department, first five years.....	5,000	
Income for rent, or use of farm.....	4,000	
Annual appropriation of \$20,000.....	100,000	
Private endowments.....	3,584	
Whole income for organization and five years' management, to balance.....		\$340,000

If the present Legislature were to establish or incorporate the College, and incorporate a Board of Regents, consisting of good intelligent business men, who will be influenced by no political, sectarian, local or personal considerations, to locate and organize the same, and place at their disposal the interest of the Seminary and College Land Funds, as above indicated, together with the appropriations from the State Treasury as above set forth, we have no doubt that in the year eighteen hundred and seventy-two the State of California may be realizing all the benefits to arise from the successful operations of an Industrial College of a high character, and will be relieved from the necessity of appropriating another dollar for its assistance.

And now, in closing this report, we will say, with Mr. Flint, of Massachusetts, only changing the language to apply to our particular case, that the work of properly establishing an Industrial College for California is one of great difficulty and responsibility, and one in which the parties on whom the responsibility rests will need the confidence, the forbearance, and the cordial co-operation of the people. It will require caution, judgment, and practical wisdom on the one hand, and a candid appreciation of the difficulties, and reasonable expectations on the other. It will require faith in the application of science to the improvement of practice. We know that it has elevated other arts, improved the appliances of labor, and cheapened the productions of the necessities of life.

Why should it not lead, in a reasonable time, to more enlightened processes of mining and farm work, bring mind and thought to bear upon the labors of the hand, and infuse new spirit into the whole mining and farming community?

NOTE—The full transactions of the Board, for eighteen hundred and sixty-four and eighteen hundred and sixty-five, are in the hands of the printer, and will be published and distributed as soon as possible.

I. N. HOAG, Secretary.

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TESTIMONY

TAKEN BEFORE THE

*Joint Committee of Senate and Assembly*

TO INVESTIGATE THE AFFAIRS OF

THE INSANE ASYLUM AT STOCKTON.

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## TESTIMONY.

### TESTIMONY OF DR. W. P. TILDEN.

JANUARY 17th, 1866.

W. P. Tilden, sworn :

Q.—What position, if any, did you hold in the State Insane Asylum, and for what length of time?

A.—I took charge of the Asylum on the twentieth day of April, eighteen hundred and sixty-one, and was by authority of law, Resident Physician until August first, eighteen hundred and sixty-five.

Q.—State everything you know relative to the conduct and management of that institution.

A.—So far as the condition of the institution was at that time, I do not know that I can add anything to my description set forth in my report of eighteen hundred and sixty-one, published by order of the Legislature of eighteen hundred and sixty-two. It was there described as a simple prison house, without curative appliances. I may add now, however, that it was without organization, so far as was necessary in the adoption of by-laws for the government of the Board of Trustees and of the institution, and without rules and regulations defining the duties of the attendants and assistants, or employés. There was no sewerage excepting drains leading from the water closets and bath rooms, leading to numerous cesspools in the several yards of the institution, and also outside the walls. I think it was at the first meeting of the Board of Trustees I suggested to Judge Dent, then a member of the Board, the propriety of the appointment of a committee to draft by-laws, and have them presented to the Board for their adoption. The Judge suggested to me it would be better for me to draw them up, present them to the Board, and they would adopt them. I did so, and the Board at their next meeting referred them to a committee, after which I heard no more from them by any action of the Board of Directors. The Board taking no action, I drew up and instituted a system of rules and regulations, defining the duties of all the employés of the institution, believing myself authorized to do so by the organic law defining the duties of the Resident Physician, as follows : [Statutes of 1863, page 461.]

O. M. CLAYES.....STATE PRINTER.

SECTION 7. He shall also give from time to time such orders and instructions as he may judge best to insure good conduct, fidelity, and economy in every department of labor and expense; and he is authorized and enjoined to maintain salutary discipline among all who are employed by the institution, and to enforce uniform obedience to all rules and regulations of the Asylum.

Rules and regulations then instituted were in full force under my administration, with slight revision in eighteen hundred and sixty-two, at which time the Board of Directors for the first time in the history of the institution adopted a code of by-laws the same as I had drawn up the year before and presented to them for their consideration. These by-laws, together with the revised rules and regulations, were then published in pamphlet form, and constituted the basis of the government of the institution from that time on, except so far as my authority was interfered with by the Directors during the summer of eighteen hundred and sixty-four, and the winter and spring of eighteen hundred and sixty-four and eighteen hundred and sixty-five.

My first step after the proposition to adopt by-laws in eighteen hundred and sixty-one, was to relieve the institution of the many disadvantages growing out of the cesspools in the yards, which were subject to overflow, contaminating the air and producing a horrible or sickening stench; steps were taken which finally resulted in the completion of the present means of sewerage into a reservoir in the fields about two thousand feet from the main building. After the change in the Board by the Legislature of eighteen hundred and sixty-two, giving a Union majority by the election of Judge Underhill and Mr. Sperry, the Board of Directors co-operated with me cheerfully, to all appearances, in my constant and unceasing efforts to elevate the character of the institution by making better provision for the comfort and recovery of the patients. Nothing could have been more encouraging than the progress that was made in that direction from the time of the organization of the new Board in eighteen hundred and sixty-two till about January or February, eighteen hundred and sixty-four.

In eighteen hundred and sixty-three the Legislature re-organized the institution, taking the election of medical officers out of the Legislature and giving it to the Board of Directors and Board of Medical Visitors, in Joint Convention; the same law provided for a five cent tax on one hundred dollars for the erection of buildings and other improvements in connection with the present buildings, and also for the purchase of two blocks of ground, one in the rear and the other in front of the Asylum buildings proper. There being streets intervening both in front and rear, the same Legislature passed a bill authorizing the Common Council to vacate said streets for the use of the Asylum. A certified copy of the law of eighteen hundred and sixty-three was obtained and discussed by the Directors and myself. I called the attention of the Directors to a clause in section seven, page four hundred and sixty, referring to the duties of the Resident Physician, where it says in respect to the employes, he shall prescribe their several duties and places, fix, with the Directors' approval, the compensation, and discharge any of them, subject to the approval of the Board of Directors; the latter part, that is to say, the words "subject to the approval of the Board of Directors," having been substituted for the words "at his sole discretion," in the old law. The Directors were assured by me that that portion of the law could be operative only for evil, and that continually. They agreed with

me, stating that they did not know anything about the qualification of the employes, and that the judgment in that matter should be left to the Resident Physician. Some one suggested, I think it was Judge Underhill, that nevertheless it was law and must be respected, and some attention given to it, or something to that effect, adding that "the Doctor can go on as he has done before, and all that will be necessary will be for him to refer to the discharges in his monthly report to the Directors, which being approved, that will be the end of it."

I went on from that time acting under the suggestion without any interference whatever on the part of the Directors. The following winter, during the session of the Legislature of eighteen hundred and sixty-three and eighteen hundred and sixty-four, the Directors appointed a committee to revise the law of eighteen hundred and sixty-three, with the understanding that I should do the work and present the revised bill to the committee, who would submit it to the Board. Among other changes made to this revised bill was striking out "subject to the Board of Directors," in relation to the discharges, and restoring the clause of the old law, reading "at his sole discretion." This bill was freely and fully discussed by the Directors and myself, and subjected to a few alterations without, however, changing the matter relating to discharges; that is, allowing the old clause, "at his sole discretion," to remain. This bill was sent to the Hospital Committee of the House, with request of the Board of Directors that they would introduce it, and pass it if possible. It did not, however, become a law; but with the assurance on the part of the Board that they did not wish to interfere with me in the matter of discharges, and their recommendation that the law should be so amended as to place me independent of them in the matter of discharges, I felt myself at liberty to continue, as I always had done, without consulting them previous to making discharges.

In the spring of eighteen hundred and sixty-three, I think at the meeting of the Board in May, I was authorized to go East and visit the leading Insane Asylums, and obtain the best plan for buildings for the use of the insane; the Board of Directors, and the Board of Medical Visitors, as well as myself, having concluded that the best way that the five cent tax fund could be expended would be in the commencement of a structure complete in every respect for the treatment of insane persons. I started on the first day of June, eighteen hundred and sixty-three; visited the Asylums in the Northwest, Middle, and New England States, and one in Canada, and arrived home, bringing with me plans, on the first day of October, the same year. The Board of Directors met, and after examining the plans, adopted the one upon which the State Insane Asylum of Iowa was built.

When I was in Iowa, Doctor Patterson, Superintendent of the institution, together with one or two of the Trustees, suggested the propriety of the Board of Directors employing Henry Winslow, of Maine, as superintendent of the workmen on the building, as he had occupied such a position in Iowa, and knew all about the construction and arrangements of that institution; and if the Board of Directors should adopt the Iowa plan, having the working plans, the employment of Mr. Winslow would save the expense of employing an architect. When I reached Chicago, I wrote to Doctor Clark, the Assistant Physician, in effect what I had learned of Mr. Winslow from Doctor Patterson and others, suggesting the propriety of authorizing me to employ him, and that an answer should reach me at New York. I received the dispatch, stating that the Board had declined employing an architect at the East. In

the meantime I had met Mr. Winslow, at Concord, New Hampshire, and travelled with him to Boston. He satisfied me that it would be for the interest of the State to employ him. At a meeting of the Board of Directors in October, immediately after my return, at which the plan of the Iowa Asylum was adopted, reference was again made to Mr. Winslow, at which time I stated in effect what I had written to Doctor Clark; whereupon the Board authorized me to communicate with him by a dispatch, offering him three thousand dollars for the first year's services, and twenty-five hundred dollars a year thereafter while he was employed on the building. Mr. Winslow accepted the proposition, and came out the following December. By this time the Legislature of eighteen hundred and sixty-three and eighteen hundred and sixty-four was in session. A copy of the order of the Board of Directors read at this time as follows:

"INSANE ASYLUM, October 10th, 1863.

"Special meeting of the Board of Directors, called by the President.

"Present: G. H. Shurtleff, Austin Sperry, J. G. Gasman, H. B. Underhill, E. S. Holden.

"H. B. Underhill appointed Secretary.

"Object of the meeting stated by the President to be to take some action with regard to employing a Master Builder.

"Moved by Dr. E. S. Holden, and carried, that the Directors employ Henry Winslow, of Augusta, Maine, as Master Builder, to superintend the erection of the new edifice, provided he will accept the following terms: that he shall receive three thousand dollars for the first year, and two thousand five hundred dollars per year for each year thereafter, with board of himself and wife during the time that the building is in process of construction.

"Meeting adjourned.

"H. B. UNDERHILL,  
"Secretary pro tem."

There was a very decided feeling in the Legislature, more especially with the Committee on Public Buildings, against the expenditure of the five cent tax fund in the manner proposed by the Directors and myself. While on a visit at Sacramento City, I was summoned by the Chairman of the Senate Committee on Public Buildings to meet the two committees of the House and Senate, as they wished to consult me on the propriety of expending the five cent tax fund on a separate building in Stockton. I met them, and was examined by the Chairman of the Senate Committee. The questions, and my answers, were written in a book, by the Chairman. I returned home the next day or two thereafter.

It was stated by a correspondent of the *Stockton Independent* at Sacramento, to the effect that the opposition to the new building being erected at Stockton, came from Stockton; and about the same time, in a discussion on the floor of the Senate, Mr. Myers made the declaration that the report of the unhealthiness of Stockton came from the Resident Physician.

At the time of the next meeting of the Board of Directors, I was approached by Judge Underhill, on behalf of the Board of Directors, with a proposition to amend the by-laws, so as to limit the Resident Physician to the expenditure of fifty dollars, the Judge stating to me that this proposition came [from the Board,] not that they did not approve what I had done, but that we were expending a good deal of money, and in all probability the action of the Board, as well as myself, would be

inquired into, and they wished the opportunity of relieving me of the responsibility, or in case of complaint, I could refer to them as having authorized these expenditures. I told the Judge that I felt myself prepared to give a reason for every expenditure I made. I was much obliged to the Board for their kindness, but I objected to the amendment of the by-laws, for the reason that it would be a reflection on me. I either had or had not the right to make the expenditures, independent of the Board; that they had a right to be consulted in all expenditures of the Board; that I did not care which interpretation the Board gave to the law; if they claimed the right to be consulted before the expenditures were made, I would concede it to them; an amendment to the by-laws, as proposed, would reflect upon my official character; others coming after us, seeing such a record, would naturally draw the inference that the Board of Directors had discovered that I was either dishonest or incompetent. The Judge and myself immediately went into the Board meeting, during which the same subject was brought up. I stated, in effect, the same objections to the Board that I had stated to Judge Underhill. The whole subject matter was discussed freely and at length, and upon a disposition being shown on the part of the Board to amend the by-laws as proposed, I told them I would not respect it; but that I was perfectly willing to yield to them in the matter of consulting with them, or advising with them prior to all purchases, but that I would not accept of the delegated power to make purchases to the limit of fifty dollars, for the reasons stated; and also for the reason, that if they had the right to be consulted in these matters, it was in respect to everything, and I did not see where the law gave the right to them to delegate their powers to any one else.

The Board finally concluded not to amend the by-laws, but that I should consult them prior to making all purchases, to which I cheerfully agreed; and immediately after the adjournment of the Board, I sent a written communication to the Steward instructing him that thereafter he should make no purchases of any kind for the institution without first getting the consent of the Board. The next day he came to me with a list of articles, and I told him he must go to the Board, and get their consent. He came to town, saw some of the Board, and returned and informed me that there was a good deal of unpleasant feeling shown on the part of some of the members he had seen, and that he could not get the articles within a short time. I think the next day I addressed a communication to the President of the Board, asking him to call a meeting of the Board, as there must be some misunderstanding in regard to the purchase of supplies. The meeting was called. I met them, and the whole subject was discussed again, after which I suggested that perhaps it would satisfy them for me to go and make the daily purchases as usual, but to consult them in respect to all purchases coming within what was known to be our extraordinary expense account. This they seemed to be fully satisfied with, and we separated, as I supposed, with the best of feeling.

At a stated meeting, prior to this time, I suggested to the Board the propriety of appointing Mr. Henry Winslow superintendent of improvement and repairs, as I supposed subject to the direction of the Resident Physician, who is the authorized superintendent of the buildings, grounds, and property of the Asylum, subject to the rules and regulations of the institution. Everything went on pleasantly for a while, when Mr. Winslow assumed a position independently of the Resident Physician.

About that time it became necessary for me to relieve the institution

of the presence of the Matron. I gave her what I regarded as a privilege, an opportunity to resign, inasmuch as the law required, in case of a discharge, that I should make a record on the books of the reason of my so doing, referring her to Article II of the Rules and Regulations. She immediately appealed to the Board of Directors, sending them a communication, of which she sent me a copy, abusive of my official character. I then discharged her, and had the record made according to law. On returning to my office, I found the President of the Board, Dr. Shurtleff, and J. G. Gasman, also a member of the Board, who had visited the Asylum to confer with me relative to the discharge of the Matron. I informed them I had, but a few moments before, discharged her, and gave them my reasons for so doing. They immediately returned to the city and got up a communication to the Matron, signed by all of the Board, instructing her to remain in her position until she should be legally discharged. This was the first intimation I had ever received of the intention of the Directors to exercise the authority they had under the law, and which they had before clearly indicated to me they were not disposed to exercise, inasmuch as they were not in a situation to judge correctly of the qualifications of the employes.

My reasons for discharging the Matron were these: On my return from the East, I was assured by Doctor Clark, who was Acting Superintendent in my absence, that the Matron was in no way qualified for the position she occupied, and he concluded his remarks by saying, "You know I never liked either one of the other Matrons, but they were angels compared to this woman." Similar information I received, also, from Doctor Thorndike, Second Assistant Physician, who frequently asserted in a jocose way that she was the finest illustration of the natural state of matter—rest—he had ever seen. Still I determined to satisfy myself by my own observations. During the following four or five months she proved herself, in my judgment, inefficient, and to my certain knowledge insubordinate and unreliable. A few days—probably two or three—before I discharged her, she asked me if I had any objection to her daughter boarding at the Asylum, stating that the Board of Directors had given their consent. I told her, if such was a fact, I had nothing to say in the matter, as the Board of Directors had all the authority in the case; but, nevertheless, I had objections: *First*—That the money appropriated for the support of the Insane Asylum was intended for the benefit of the patients, and that we had no right to spend a dollar for any other purpose. *Second*—It would be establishing a very bad precedent, as other employes might ask the same privilege, and if granted to her, they could not be refused. *Third*—That from the nature of the institution it would not do to have persons go in and out at pleasure who were not held responsible for their conduct by the proper authorities.

The proposition was so absurd to my mind that I came to the city the same day; spoke to Judge Underhill, Mr. Sperry, Mr. Anthony, and Dr. Holden, who assured me that they had heard nothing of it, and besides, objected to it. I returned to the Asylum, and the next day, or the day after, I said to her: "You say the Board of Directors have given their consent for your daughter to board at the Asylum?" She answered in the affirmative. I then told her, to prevent any trouble or misunderstanding in the future, she must get an order from the Directors, directed to me, authorizing her daughter being boarded at the Asylum. She came to town that day to get the order, and returned without it, whereupon I called her attention to the rule giving her the privilege of

resigning, and giving her my reason for it. It was then that she appealed to the Board. I had previous to this been informed by Dr. Clark that a short time after I had started East, himself and wife came down stairs one morning, and found in the hall trunks, handboxes, bird cage, etc., of some one, and on entering the parlor found a young lady, who introduced herself as the daughter of the Matron, and at the same time handing them a note from another daughter, apologizing for her not accepting the kind invitation of Dr. and Mrs. Clark to come and spend the summer with them—the Doctor at the same time assuring me that they had extended no such invitation; but doubtless the mother had written to them to that effect. He also informed me that she remained there several weeks, and that they finally had to get rid of her by sending her off, telling her she must go. All these facts, together with what came to my own knowledge, led me to the conclusion that she was not a suitable person for the position she occupied, and I discharged her.

During the interview with Dr. Shurtleff and Mr. Gasman, the morning I discharged her, I learned from them, as well as from her communication to me, that they had given their consent for her daughter to board at the Asylum, and that Mr. Gasman had promised to get the consent of the balance of the Board; hence her declaration that the Board had consented.

In a short time I reported the discharge to the Board, and on the Board assembling I met them, and I was required by resolution to make in writing specifications in regard to her inefficiency, unreliability, and insubordination, which I had assigned to the Board as my reasons for discharging her. I did so; and after making a statement to the Board of the facts, I referred them, for further information, to Doctors Clark and Thorndike. They agreed to examine those two gentlemen. I went down to find Doctor Clark, who was in the city, and to send the wagon out to the Asylum for Doctor Thorndike, and on my return, I was informed by the President that the Board had resolved that I should not be present at the examination of those two gentlemen. I left the room, feeling very indignant, and with the remark that I knew my rights and would maintain them. In my communication respecting the discharge of the matron, I also asked the Board to define the position of Mr. Winslow at the Asylum. In due time I was furnished with a copy of a preamble and resolution adopted by the Board, disapproving of the discharge of the Matron, also limiting me to the expenditure of fifty dollars, and appointing Mr. Winslow superintendent of buildings and improvements, with full authority to make purchases, thus curtailing my authority, and giving to him unlimited license. I restored the Matron to her position, and then asked a free conference with the Board in respect to Asylum matters. It was granted. In that interview I apologized to the Board for the Manner in which I had spoken to the Board at their last meeting. I also gave them my opinion as to the effects of their action on the peace and prosperity of the institution, assuring them that in my judgment the institution had received a blow from which it would not recover in three or five years. It being a free conference, I was anxious to obtain the reasons of the Board for their action. They were not disposed to be very communicative, and all the complaints that I learned or now recollect that they had against me at that time, was in reference to my action in connection with Asylum matters at Sacramento. I knew that

the Board had no power to reinstate a person discharged by me, or if the law could be so construed, I had the right or power to discharge as often as they reinstated; nevertheless, after due deliberation, I came to the conclusion that if I would reinstate the Matron, the Board would probably take it as a peace offering from me, and that with more than ordinary diligence, I might possibly be able to control the Matron. I was very much disappointed in my expectations, for the Board, instead of taking it as I intended it, seemed to regard it as a triumph, and instead of being able to control the Matron, she did not hesitate to declare openly that she would let Doctor Tilden know that she would stay in that institution as long as she pleased; that she was on the right side of the Board of Directors, and she would do as she pleased, or words to that effect. About the time of the discharge of the Matron, it was currently reported that some members of the Board of Directors, after counting "noses," and after securing the re-election of Doctor Hubbard as a member of the Board of Medical Visitors, having a majority in Joint Convention of the two Boards, had determined not to re-elect me to office, but to place Doctor Clark, the Assistant Physician, in my position, and Doctor Thorndike in the position held by Doctor Clark. This rumor reached the employes, and the consequence was that with some of them the respect which I had received and to which I was entitled by virtue of my office, was transferred to the coming man, thus weakening my authority and curtailing my opportunities for usefulness in my position. The Board of Directors also refused in many instances to confer with me, but sought information in respect to the business affairs of the institution from some of my subordinate officers, making my situation in the institution as unpleasant as it was possible to do. Besides the insubordination of the Matron, there were other cases, among which I will mention that of Isaac H. Hathaway, an assistant in the first ward. We had a suicidal case in the ward, leading to starvation, which we had been compelled to feed by force for several months. He was weak, feeble, and emaciated, and on one occasion, when it became the duty of Hathaway to feed him, he made resistance, and Hathaway knocked him down, injuring his face severely. On the same day Hathaway, while walking in the gymnasium or in the yard, struck another patient, knocked him over a bench, jumped over the bench after him, and kicked him in the sides. These facts were reported to me by the Supervisor, whose duty it was to report to me. "I know them from no other source." I, however, sent for Hathaway, charged him with it, and he did not deny it, and I demanded his "keys," the employes all understanding that when the keys were demanded it was a discharge. He refused to give me his keys, and I apprehending that if I summoned others to take his keys from him I would meet with a refusal, thought it best to suspend him for three days, to which he agreed, and gave me his keys. I restored his keys at the expiration of the three days, and waited until I could ascertain whether I could depend upon the employes obeying my orders. When I found that I could, in respect to a good many of them, I demanded his keys again, and he gave them to me. I reported the case to the Board, assigning inefficiency and cruelty to the patients as my reasons for discharging him. The Board took action, and the Secretary brought my report into the office and gave me to understand that the Board would not approve of the discharge unless I would strike out the accusation of "cruelty." I did it to get rid of him, and the Board approved the discharge.

About the first of October, eighteen hundred and sixty-four, or some

time in the early part of October, eighteen hundred and sixty-four, the Steward informed me of a difficulty occasioned by Doctor Thorndike at the Steward's table, and upon the Steward advising him of the impoliteness of his conduct, and referring him to me if he had any complaint to make, he told the Steward that he would say what he pleased, and do what he pleased, and he, the Steward, could not help himself. I brought them together, and told Doctor Thorndike what the Steward had informed me, and he acknowledged it was true. He was acting as Second Assistant Physician, through courtesy from me, but held the position by appointment of Apothecary of the institution. I ordered him to confine his duties thereafter to the apothecary shop. He replied that he would or not, just as he felt like it. He paid no respect to my order. I discharged him. He also refused at first to give me his keys. I summoned three men into my private office and learned from them that they were willing to assist me in maintaining my authority. I told him that I called on him the second time for his keys to prevent a personal difficulty, and he gave them to me. I think it was the next day or the day after that the Board met at the Asylum, and one of the members, I think it was Judge Underhill, wanted to know if I had any report to make to the Board. I answered in the negative. I was then invited to meet the Board in their room. Stated the case to the Board, and telling them that in due time, to wit: at their stated meeting, I would report the case. Satisfied that I had another case of trouble on my hands, and finding it impossible to get along with the Matron, I concluded to abolish her office and let the two cases be settled together. I summoned the Steward, and instructed him to go to the Matron and inform her that I had abolished her office, and requested her to send me her keys. She refused to send them. I then went and spoke to her myself. She still refused. I returned and instructed the Steward to take the Supervisor with him and ask her for her keys, and if she refused, to take her things out of the room and set them out of the building. He found her locked into her room, and refusing to answer a rap at her door. He returned to me again, stating that she was locked into her room, and asking for further instructions. I answered: "I instructed you, if she refused to give up her keys, to remove her things from her room." He applied again, and she still refused. He returned to me to know whether he should force the door. My answer was: "I instructed you if she would not send me her keys to remove her things from the room." He returned, forced the door, and she gave up her keys quietly, and commenced packing up. I had the wagon brought and her things put into it subject to her orders.

In due time the Board took action in the Thorndike case, and refused to confirm the discharge, assigning, to the best of my recollection, as one reason, that inasmuch as I did not inform the Assistant Physician of my order to the Apothecary, and the Assistant Physician having invited him to go into the wards with him and assist in prescribing to the patients, and as I had ordered him not to do so, therefore he had not disobeyed my orders. I then addressed a long communication to the Board, which I suppose is on file, and which I ask to be read to this committee, but first, that the preamble and resolutions in the Thorndike case be read from the books.

[The resolution and communication were read.]

I think it was the same night on which I read the report for October to the Board that the Board refused to confirm my action in regard to the Matron. On the same night, to the best of my recollection, the



Directors adopted a revised code of by-laws, one of which required of the Resident Physician to make an estimate of the expenditures a week in advance, and present it to the Board, I think, every Monday. I think the same by-law provided that no payments would be made for purchases that had not thus been approved by the Board. Another one of the by-laws provided that no discharge of an employé by the Resident Physician should be considered final without first receiving the approval of the Directors. The same by-law provided that a person thus kept in position by the approval of the Board, (that is the effect of it,) should discharge the duties of the position he occupied and cheerfully obey the reasonable orders of the Resident Physician. I had an interview with the Board of Directors a short time after the adoption of these by-laws, at which time I assured them it was not possible for me to make an estimate a week in advance of the contingent necessities of the institution. They insisted that I could, and insisted upon my compliance with the by-laws. I assured them, as I had done before, that I had no disposition to make purchases without their consent, and that the best I could do would be to consult them from day to day, or from time to time, as the necessities might arise. It was a few days after that that a notice appeared in the *Stockton Daily Independent* to the effect that no bills of purchases made on account of the State Insane Asylum would be audited and paid by the Board of Directors unless made in accordance with this by-law. In consequence of that notice I was unable to make purchases. I think in a day or two after that notice appeared I published a card in the paper to the effect that many of the necessary supplies of the institution had, by the action of the Board, been cut off, and that I could not be held responsible for the suffering of the patients that might grow out of that fact. This state of things continued for two or three months, (the exact time I do not remember,) when one day I met Judge Underhill in town, and in conversation with him he assured me that the Directors would let me have any thing I wanted for the institution if I would ask for it. I returned to the institution and immediately made a requisition for articles, specifying them in general terms, such as hardware, dry goods, crockery, etc., also in specific terms respecting any one article that I knew of. At the time this requisition was made the Board of Directors approved it. I then continued from day to day and from time to time to make requisitions, which received the approval of the Board; thus the supplies were obtained.

While I continued in connection with the institution the supplies referred to were such as were not obtained under contract or contracts. In a short time after the discharge of the Matron and Apothecary, I heard of reports affecting my moral and official character; these reports coming to the ears of the employés of the institution, they got up a card highly complimentary of my management of the institution, and contradictory of the reports that had been set afloat; this movement of theirs was voluntary on their part, and was signed by every one then connected with the institution, to the best of my knowledge, excepting two, one of whom was on a visit to San Francisco, and the other objected for private reasons, which I thought were proper and correct.

In course of time alleged abuses in the institution had got into the newspapers, and the *Bulletin* of San Francisco sent a reporter to Stockton to ascertain the facts. He came to the Asylum and spent probably an hour and a half, possibly two hours, with me, going through the institution and listening to my statement. He then had an interview with the Board of Directors, and got their statement. In course of time, I

think a few days, the *Bulletin* published an article purporting to be a statement of both sides—the Resident Physician's and the Directors'. In the statement of the Directors it was declared that I was excitable, quarrelling with my employés, especially after dinner, the Board thus making themselves a party to the slander that had been completely refuted by the "card" addressed to me by the employés. I thought the best way to counteract the report was to publish in the same paper the "card" referred to, and which I did. Time rolled on, and the period arrived when, under the law, the Directors and Medical Visitors should meet to elect medical officers. A majority of the Medical Visitors refused to go into Joint Convention with the Directors for that purpose, and there was no election. I held over under the law, which provided that my term should be four years, and until my successor should be elected and qualified. The Directors, however, resolved to take forcible possession of the institution; but before that was done another "card" was started in the institution contradictory of the first, which was signed by from twenty to twenty-five. I think in that "card" they stated that they signed the first "card" under a threat if they did not they would lose their situations. All the signers of the second "card" declared that they signed the first one under these threats, whereas there were four or five signers who did not sign the first "card," and who were not at the date of the first "card" connected with the institution. The second "card" was circulated for signatures through the institution on Sunday morning, and I was informed of it about one o'clock P. M. When they had obtained all the signatures they could get, two of them obtained leave of absence in the afternoon, and brought it to the *Stockton Independent* for publication. I took their keys and put them in my private drawer. One of them returned about four or five o'clock in the afternoon—perhaps it was earlier than that. Finding his keys removed from their usual place, he called on me in my office and asked me if I discharged him. I told him I did. He then returned to the room of his brother, the Supervisor, who came to my office in a very excited manner and asked me if I had Jim's keys. I told him I had. He was then about asking me some other question, when I ordered him to go and take his place and attend to his duties. He returned to his room and sent his brother into the yard on duty again; or at any rate, his brother went into the yard on duty again. I was informed of this fact, and on looking out of the window of a room which I used for a private office, a room which overlooks the yard, I saw him standing, with two or three others of his fellow conspirators, in earnest conversation.

I was satisfied that I dare not trust myself with those men without means to protect myself. I placed two Derringers in my pockets, stepped into the yard, and when about half-way across I caught his attention, stopped and beckoned to him. He came within about six or ten feet of me, when I told him I had discharged him, and he must leave the institution. He replied that he would not do it, and started back to where he had been standing before. I followed him up closely till he reached his companions, and when in the act of placing my hand on his arm to lead him out, he commenced to draw off his coat for a fight. I drew one of my Derringers, held it in my hand, hanging at my side, and remarked to him, "James, I am Superintendent and Resident Physician of this institution; my authority must be respected and my orders must be obeyed." At that moment Mr. Wohler, an attendant, who had witnessed the whole affair, stepped up to him and advised him to leave to prevent trouble. He made no further resistance, but left the institu-



tion, threatening me, however, as he left. He went into the city, and made complaint against me for carrying concealed weapons, and early in the evening I was arrested by the Sheriff and taken to the city, where I was kept till between ten or eleven o'clock P. M., until the Justice of the Peace could be found, and I could give bonds for my appearance. I think on the following Thursday the case was tried, and I was acquitted of the charge of carrying concealed weapons, but was fined one hundred dollars and costs, for some reason, I don't now remember what. I think on Monday, the day or day after the "card" appeared in the *Independent*, I discharged all the employes who had signed, excepting, I think, two or three. I called in all the outside attendants and placed them in the wards in charge of the patients, and filled the vacancies as I could by persons applying for situations. From that time till the day I left the institution we had peace and harmony.

On the first day of May I went into the city on business of the institution, and was absent, I think, about two hours, during which time the Board of Directors went to the Asylum, and there declared my office vacant and took possession of the institution. They were supported in this by Dr. Clark, Mr. Winslow, and most of the male attendants I had discharged two weeks before. I arrived at the institution between twelve and one o'clock, to the best of my recollection, and as I approached the buildings from the front gate, I was met by Dr. Shurtleff, the President, followed, I think, by three other members of the Board, and was informed by him that they had taken possession of the institution and I could not enter. The act seemed to me to be such a high-handed measure that I did not think at first that he was in earnest, hence I remarked, "Well, Doctor, we will see about that," and passed on. He confronted me the second time, when I discovered from his manner he was in earnest. I asked him by what authority the Board of Directors did this. He replied, "We do it upon our own responsibility," upon which I told him I did not respect the exercise of such authority on the part of the Board. Again I attempted to enter the institution to reach my office, when I was seized by the "mob" employed by the Directors and forcibly ejected. A war of words ensued, in which there were very few compliments paid on either side. In the meantime some employes that were on the outside, hearing of the occurrence, came round, and in the excitement one man was kicked and badly hurt. I had the injured man taken to my house, and I took care of him until he recovered, or until he was able to get out—I think the next day, or day after.

When in front of the Asylum building, immediately after being forcibly put out, I took down the names of all I knew to be engaged in the mob, and not a great while afterwards called on the District Attorney and entered a complaint. He went with me to the Justice of the Peace, who informed us, or me, that he would issue warrants for their arrest the next day, as he was then getting ready to go into the country. I was informed that evening, or the evening of that day, that it was reported in town the Directors intended on the following day to put myself and family out of the Resident Physician's dwelling. I resolved that I would arm myself, and defend myself and family. I was visited by some friends, who, learning that such was my intention, advised to the contrary. I took their advice, and to avoid any further difficulty I took the steamer the next day for San Francisco. I saw the Constable on the wharf, who told me that the papers for the arrest had been issued and would be served after four o'clock that day. I asked him if he would

see the District Attorney and ask him to continue the case till the following Saturday, when I would return. Also left the same request to see the District Attorney with another person.

On my return on Saturday I called on the District Attorney and learned that nothing had been done. I then withdrew my complaint, fully satisfied in my own mind that I might as well go to a "goat's house for wool" as to seek justice in Stockton.

## CROSS EXAMINED.

Q.—Do I understand you to say, in your testimony in examination in chief, that there were no rules and regulations defining the duties of the attendance and assistance of employes at the time you took charge of the institution, on the twentieth of April, eighteen hundred and sixty-one?

A.—There were none, to the best of my knowledge and recollection.

Q.—Had such rules and regulations existed at that time, would you have known it?

A.—I would have known it had they come under my observation.

Q.—State your means of observation.

A.—I had free access to every part of the institution, and frequently visited all parts, excepting the attendants' rooms, which I rarely if ever entered, except in case of sickness of some of the occupants.

Q.—Had such rules and regulations been a matter of record, would you have known it?

A.—I think not, as there were no records in my hands that I now remember except such as had reference to the patients.

Q.—Then such rules and regulations might have existed without your knowing it.

A.—I don't know whether they might or not; I think it very probable.

Q.—Why do you swear then without qualification that the institution was without rules and regulations at the time you took charge of the institution?

A.—I have not intended to swear at any time otherwise than to the best of my knowledge and belief.

Q.—Is this a specimen of your swearing from beginning to end in this investigation?

A.—I have answered that in all my testimony I have sworn to the best of my knowledge, belief, and recollection.

Q.—Do we understand you to say that at the time alluded to this institution was a simple prison house without curative appliances?

A.—In answer I refer you to my testimony of yesterday, calling attention to my report of eighteen hundred and sixty-one.

Q.—Do you indorse and adopt at this time, as your testimony under oath, the statement above taken from that report?

A.—To the best of my knowledge and belief I do.

Q.—State your means of knowing whether that is true.

A.—By a careful and thorough inspection of the institution from the date on which I took charge to the time the report was written, the report having reference, however, more particularly to the condition of the institution at the time I took charge.

Q.—Do we understand you to say that there were no by-laws for the government of the Trustees and the institution existing at the time you took charge in April, eighteen hundred and sixty-one?

A.—I said so, to the best of my knowledge and belief, at the time I

gave my testimony yesterday; and I further said that I asked Judge Dent, a member of the Board, to move for the appointment of a committee to draft by-laws, rules, and regulations for the institution. He requested me to draft them and present them to the Board, and they would adopt them.

Q.—Explain what you meant by the proposition of the Directors, so as to limit the Resident Physician to the expenditure of fifty dollars.

A.—I understood it to apply to any one purchase or improvement.

Q.—State, if you please, what gave rise to this consultation between you and Judge Underhill in reference to the proposition of the Board of Directors to limit the Resident Physician to the expenditure of fifty dollars.

A.—I would state that inasmuch as the proposition originated with the Board, Judge Underhill can perhaps state better than myself what gave rise to it.

Q.—Please state what you know about it.

A.—I think it was caused by changes I had made in the heating apparatus and furnishing the dining room, all of which had been reported to the Board, to the best of my knowledge and belief, at the time of the previous meeting, and I received no notice of their disapproval.

Q.—State whether you made these changes just referred to by you without personally consulting the Board.

A.—I am not positive whether I spoke to them or not in regard to it, but think I did not. I regarded them as important sanitary measures which the law authorized me to adopt at my discretion, or, at least, so I interpreted the law, and as the Board had never previously interfered with me in the improvements I was making, I had no reason to suppose that I would meet with their disapproval in this case.

Q.—State what was the cost of these changes.

A.—I think about two thousand dollars, perhaps something more, perhaps something less; the books of the Asylum will show the exact cost.

Q.—Did you keep an account of the expenditures, charging different items to different accounts?

A.—I did.

Q.—State to what account you charged these expenditures.

A.—I do not now recollect; the books will show; think it highly probable it was put in the improvement and repairs account, but I am not certain.

Q.—Do we understand you that that the improvement and repairs account are one account?

A.—They are considered as one account, but still kept in such a way that the exact amount of each is shown, the rules and regulations prescribing the duties of the Clerk, requiring of him, among others, to keep the improvement and repairs account. [See Rules and Regulations for eighteen hundred and sixty-one, published in annual report of that year, page seventy-two, section one, under head of "Duties of Clerk."]

Q.—State whether the common repairs were charged to the same fund as improvements were charged to.

A.—Certainly not intended to be, and were not to my knowledge.

Q.—To what fund were the improvements referred to, amounting to two thousand dollars, more or less, charged to?

A.—I do not now recollect; the books of the institution will show.

Q.—Who made the entries in the books of the institution of which certain papers, presented to the witness to refresh his memory, purport to be copies, and by whose instructions?

A.—My Private Secretary, and generally under my instructions.

Q.—Were they, or were they not, charged to the Improvement Fund derived from the five cent tax, referred to by you?

A.—I do not recollect; the books of the institution will show.

Q.—If the improvements referred to had been charged to the Improvement Fund derived from the five cent tax referred to, would you not have known it?

A.—I think it highly probable I would.

Q.—Is it not certain that you would?

A.—No; for the reason that the Steward, who kept what was known in the institution as the distribution account, from which the Private Secretary usually copied the items which made up the several accounts, did sometimes charge articles to certain accounts without consulting me.

Q.—Were not both the Steward and Secretary subject to your orders in these charges?

A.—They were.

Q.—Did you not examine these charges to see if they were correct, from time to time?

A.—I did, occasionally.

Q.—Did you, or did you not, examine the charges in regard to the "two thousand dollars" expenditure referred to?

A.—I cannot now recollect whether I did or did not. I think that the Secretary consulted me about them.

Q.—Was it not necessary that you should know these things in making up your annual report?

A.—The annual report was made, in reference to such matters, from the books as they stood at the time.

Q.—Did you make up your report without seeing that the books were properly written up?

A.—All matters of that kind in the annual reports were presented in tabular form, which were made up by the Secretary, in whose correctness I had implicit confidence. I did not, therefore, think it necessary myself to examine the books in reference to the designation of special items.

Q.—Do we understand, then, that you intrusted the Steward and Secretary, one or both, with the business of making the charges for the "two thousand dollars" expenditure alluded to?

A.—As I before said, I think the Secretary consulted me before making the entry, in regard to that matter, and that if he placed it in the improvement account it was done, in all probability, with my consent or under my directions.

Q.—Is it not morally certain that it was so made, and you knew all about it?

A.—I cannot answer that question positively, but from present recollection believe the entry was made with my consent or under my direction.

Q.—Were not the tables referred to by you, which were made up by the Secretary, as you stated, made up by your direction and according to instructions from you?

A.—In the work of preparing the annual report the Secretary was requested by me to make out the usual tabular statements, and he did so accordingly.

Q.—Did you examine them and find them correct?

A.—I did not, having, as I before said, implicit confidence in the Clerk or Secretary.

Q.—Then they went into your report without your knowing whether they were correct or not—is that so?

A.—They went into my report without my having compared them with the books, for the reasons before stated; in the tabular statements, however, respecting the patients, the Clerk was usually assisted by myself.

Q.—Was he so assisted in reference to this “two thousand dollars” expenditure?

A.—He was not.

Q.—Are all your statements in your reports made up upon the authority of others, and without your positive knowledge?

A.—They were not.

Q.—Explain to this honorable committee why you conceived it unnecessary in expending this “two thousand dollars” to do so without doing it under the direction of the Board of Directors of said Asylum, as provided by law, these expenditures having been charged, as you believe, to the Improvement Fund, with your consent and under your direction.

A.—For the reason that up to that time I had enjoyed the confidence of the Board, to the best of my knowledge, in all matters connected with the improvements that were going on in the institution; I may have been too confident of that, and thereby committed an error, but after having done so I reported the facts and my reasons to the Board, and was not informed that they disapproved, but to the contrary, was afterwards told by Judge Underhill, in effect, that the Board had approved of all I had done; this I state to the best of my knowledge and belief.

Q.—As a matter of opinion was it not reasonable on the part of the Board that when such large expenditures were to be made for which they were responsible to the Legislature of the State, that they should be consulted beforehand by the Resident Physician?

A.—I think it was quite reasonable, but find excuse in the fact that they had never prior to that time intimated to me their desire to be consulted in such matters.

Q.—State whether there was not another large expenditure made by you prior to or about the time of the interview between you and Judge Underhill in reference to the proposed “fifty dollars” by-law, and if so, what was it?

A.—The only thing that I can now recollect was fitting up one end of what was known as the gymnasium for a reading room for the patients, which I had every reason to believe was heartily approved by the Directors, or at any rate I heard of no disapproval.

Q.—What was the cost of that improvement?

A.—I do not know; but the distribution account kept by the Steward will show the exact cost.

Q.—State in round numbers, to the best of your present recollection, the cost.

A.—I have no recollection about it, not having charged my memory with matters that were made subjects of daily record.

Q.—State whether any portion of the improvement known as the piggery was made without consultation with the Board of Directors, and if so, how much?

A.—A short time before I started for the Atlantic States, in eighteen hundred and sixty-three, the Directors and myself agreed upon certain improvements which should be commenced in anticipation of receiving

funds from the “five cent tax” levied that year. Among these was a second story on the back building, and second stories upon the second ward of the male, and the second ward of the female department, and a piggery. On my return in October, I found that an additional ward had been built in connection with the second ward in the female department, and the second story on the back building was in progress. I think on the night after my arrival home, Mr. J. B. Saul, farmer and gardener, showed me a plan for the piggery, which I supposed had been agreed upon and approved by the Board in connection with the other improvements. I suggested, however, it would be better to add fifty feet to the length; and as winter was approaching, and it was all important to have the piggery completed as soon as possible, I ordered the work to be commenced, committing an error, as I found the following spring, in not consulting the Directors in reference to the additional fifty feet in length, and perhaps in not ascertaining from them whether or not they had approved of the plan; but supposing, however, that they had, I went on with the work, and heard of no complaint for four or five months thereafter.

Q.—Was this improvement commenced prior to the time of the proposed “fifty dollar by-law”?

A.—It was commenced in the fall or early winter of eighteen hundred and sixty-three.

Q.—Did Mr. Saul tell you that the Board had approved of that plan?

A.—I don't know that he did; but as a piggery had been agreed upon by the Board and myself before I left for the East, I supposed the whole thing had been arranged as to the character of it, before I returned.

Q.—Was that agreement made at a regular meeting of the Board of Directors as a Board of Directors, or was it made by members of the Board not acting in an official capacity, but on the streets?

A.—I do not now remember under what circumstances, or at what time the conversation took place between the Board and myself in relation to these matters, but I think it highly probable it was at a time of a Board meeting at the Asylum, but I do not think it was by a resolution of the Board.

Q.—Are you as sure that a conversation and understanding with reference to this piggery was verbally or otherwise made by the Board, as of any other fact you have testified to in this examination?

A.—I am not, as many things in relation to which I have testified to have been matters of record to which I could refer; in relation to matters not of record in respect to which I have testified, I am as confident of the correctness of this as of them.

Q.—Explain to this honorable committee how it was that if Mr. Saul presented you with a plan of this piggery, which you understood to be approved by the Board, you took the liberty of adding fifty feet to this plan without prior consultation with the Board.

A.—For the reasons before stated, I had every reason to believe that I enjoyed every confidence of the Board, and that we were all working together in harmony for the interest of the institution; but, as I before said, I was made to feel some months afterwards that I had committed an error in doing so.

Q.—How could you act in harmony with the Board in making changes in their plan without consulting them?

A.—I had been permitted by the Board to make improvements after my own plans without complaint or interference, and as far as I know, with their approval.

Q.—Do you mean by what you say that you were allowed to make these improvements without that allowance being made a matter of record, or that formal permission had been given you by the Board in the matter of making improvements when they were acting in their official capacity?

A.—In many instances of changes and improvements having reference to the sanitary condition of the institution they were made without consulting the Board, and as far as I know without their disapproval afterwards.

Q.—Did this piggery have reference to the sanitary condition of the institution?

A.—You must judge of that yourself. I have already said that I committed an error in connection with that improvement.

Q.—State what was the probable cost of that extra fifty feet on the piggery.

A.—While the work was in progress and in my charge I expended about eleven hundred dollars on the entire work. It was then placed by the Board of Directors in the charge of Mr. Winslow. What it cost afterwards I do not know, as the improvement account was not kept at the Asylum after that date.

Q.—State the dimensions of that piggery, and how far the work had progressed before it was turned over to Mr. Winslow for completion.

A.—I do not know certainly, but think it was about thirty by one hundred and fifty feet. I am not prepared to say exactly what progress had been made, but the books of the Asylum will show the amount of labor, with cost of same, and also the amount of material, with cost of same.

Q.—Had not the main wooden structure been roofed in at that time, and a part of the brick edifice constructed?

A.—I cannot say with certainty.

Q.—Did not the interest of the institution require, in order to prevent a great waste of money in the building thus far erected, that it should be completed?

A.—I should certainly think so, and not only so, but that the interest of the institution required in my judgment such an improvement.

Q.—State the circumstances under which the change was made in the vestibule of the main building, taking a portion of the main corridor into the vestibule, and converting one or more sleeping rooms, in which a number of patients had been lodged, into a private office for yourself.

A.—I was in company with Mr. Winslow and two members of the Committee on Improvements and Repairs, after Mr. Winslow had been appointed superintendent of improvements and repairs, when, passing through the front part of the institution, Mr. Winslow suggested the alteration to the committee, setting forth its advantages, and the committee authorized it to be done. There were other improvements going on, and it was impossible to commence the work at once. In course of time Mr. Winslow's connection with the old buildings ceased, and as soon after as I could I had it done.

Q.—State who those committeemen were, and what was their language to you?

A.—To the best of my recollection Mr. Sperry and Mr. Gasman. I am confident that Mr. Gasman was one, and I think Mr. Sperry was the other. They did not address themselves to me at all, except in general conversation in regard to the matter, Mr. Winslow having the matters of improvement in charge, and being the one who spoke to them about

it; I would add, however, that I encouraged and advised it, it being a change that I had long desired.

Q.—If they did not address themselves to you, how was it that you felt authorized to make this change?

A.—For the reason when Mr. Winslow's connection with the old buildings ceased, the superintendence of improvements devolved upon me, and as it had been authorized by the proper committee, I had it done as soon as I could.

Q.—State the language of the committee to Mr. Winslow by which they authorized this.

A.—I do not recollect it.

Q.—Do you know of your own knowledge that they authorized it at all?

A.—I say that I know that they did to the best of my recollection.

Q.—Did you hear the committee say that they were acting in their official capacity, or for the Board of Directors, in authorizing this?

A.—I don't recollect that they did.

Q.—How many patients had slept in the room converted into your private office prior to the time of this change?

A.—I don't remember.

Q.—Can you approximate the number?

A.—I know the room was crowded, that is all I can say about it.

Q.—Give the dimensions of that room approximately.

A.—Twenty-four feet by eighteen feet; it may be a little more or less, can't tell certainly.

Q.—How were the rooms on the east side of this corridor, now opening into the vestibule as extended by this change, occupied before and after this change?

A.—My recollection is that three of them were occupied by the patients and one as an attendants' room before the change; after the change one of them was occupied as a clothing room and a sleeping apartment for two employes, another was occupied by the Steward and Secretary, another by the Apothecary, the fourth was fitted up for the Directors' room, but occupied by myself, when they were not in Board meeting, as a private office.

Q.—Did the Board request the fitting up of a room for their use by you?

A.—They did not. The Board had held their meetings before in the reception room for visitors, which was attended frequently by great inconvenience by having to receive visitors in the business office; and as the Resident Physician was much in need of a private office I fitted it up for the double purpose for which it was afterwards used.

Q.—Was the improvement made before or after the time at which the adoption of the "fifty dollars by-law" was first considered, when you were called into the meeting, as before stated?

A.—It was after that time.

Q.—Did you not state at that meeting that the Board would have no further occasion for complaint if they would desist from passing the proposed by-law, or words to that effect?

A.—I remember distinctly of having agreed at that time not to make any expenditures without their approval in advance, but made the one here referred to, as I believed, by authority from the proper committee.

Q.—What was the cost of this improvement, approximately?

A.—The cost necessarily connected with the change I think was something less than five hundred dollars; but there was at the same time

new oil cloth put upon the business office, I think also upon the apothecary shop, a part of the vestibule, and the reception room, the reception room carpet having been removed to what was afterwards known as the Directors' room and my private office, amounting in all to about seven hundred dollars—may have been more, may have been less; the books will show.

Q.—Did or did not the Board state to you at that time that they did not desire to interfere with you in making the minor expenditures of the institution, where small sums were involved?

A.—I cannot recollect all the conversation that took place at the time, but I do remember that they proposed to delegate to me the right or power to use the sum of fifty dollars in any one expenditure, which I refused to accept, for reasons before stated in my testimony.

Q.—State what the list of articles was that the Steward came to you with on the next day after this meeting referred to, as stated in your examination in chief.

A.—I do not recollect, but think it highly probable that the Steward can furnish the proper answer to that question.

Q.—Do you know the cause of the unpleasant feeling growing out of the presentation of that list to the Board, as stated by you?

A.—I know nothing of any unpleasant feeling on the part of the Board in reference to that matter, except the fact stated to me by the Steward.

Q.—State, if you know, the reasons why the Board of Directors abandoned the plan of erecting an institution similar to the Iowa institution.

A.—The Board never stated their reasons to me, and I know nothing of my own knowledge in regard to it.

Q.—State whether you recommended the laying of the foundation of the entire structure upon the Iowa plan, knowing or believing that the entire "five cent fund" would be exhausted before any portion of the building would be completed so as to receive patients?

A.—I recollect in an interview with the Board, at which time Mr. Winslow was present, I stated to them a conversation between Mr. Winslow and myself in which he gave it as his opinion that it would be best to lay the foundation of the entire building, and that Mr. Winslow, being then present, confirmed to the best of my recollection what I then stated. I did not then know or believe that the entire five cent tax fund would be thus exhausted, but on the contrary believed it would be sufficient to lay the foundation and complete a section of one wing for the reception of patients. I think that such also was the opinion of Mr. Winslow, and to the best of my recollection the Directors did then determine to commence the work by putting in the entire foundation, and that it should be made of stone, and appointed a committee, consisting of Judge Underhill, Mr. Winslow, and myself, to proceed to San Francisco to examine the stone of the Angel Island Quarry.

Q.—What was the estimated cost of a structure on the plan of the Iowa institution to be erected here?

A.—I think it was generally supposed it would cost one half a million dollars.

Q.—What are we to understand by the statement that you made in your examination in chief, that the Board gave Mr. Winslow full authority to make purchases, and giving him unlimited license?

A.—I mean that the resolution on its face gave Mr. Winslow unlimited license, at least such is my recollection.

Q.—What steps did you take, if any, to prevent the attendance of the

Medical Visitors at the April meeting of eighteen hundred and sixty-five, the time provided by law for the election of Resident Physician and Assistant Physician?

A.—None whatever, further than to give to them an account of the difficulties existing in connection with the institution.

Q.—Upon these representations made to those Medical Visitors, as just stated, did they or either of them promise you that they would not meet with the Board of Directors at the time provided by law for the election of Resident and Assistant Physicians?

A.—Both Doctors Morse and Whitney said in my presence that they would not meet the Board of Directors in Joint Convention for the election of medical officers.

Q.—Did you petition the Supreme Court for a writ of mandamus to command the Board of Directors to rescind certain by-laws having reference to discharges of employes and supplies of institution?

A.—I did.

Q.—What was the result?

A.—The decision of the Court was to the effect that said by-laws were not in conflict with the law of eighteen hundred and sixty-four. A motion was made for a rehearing, the result of which I have not been informed.

Q.—When you stated in your examination in chief that many of the necessary supplies of the institution had by the action of the Board been cut off, did you not know that the Board had by a communication made to you in writing stated that every facility would be afforded to you by them to supply the institution with all necessaries and comforts usual in such establishments?

A.—I received some such communication in reply to one from me, stating that many articles necessary to the comfort and welfare of the patients were needed, but understood that in order to get them I must comply with the by-law which I had before assured the Board it was not possible for me to do, to wit: make an estimate of daily contingencies a week in advance for their approval.

#### RESOLUTION—By Mr. Long.

*Resolved*, That the Board of Directors make a statement, or that the Resident Physician make a statement, under oath, in reply to the testimony of W. P. Tilden, and also a full statement of the conduct and management of the Insane Asylum, under oath, and furnish the same to the committee as soon as practicable.

Adopted.

C. D. LYMAN, Clerk.

#### TESTIMONY OF H. ARENTS.

JANUARY 19th, 1866.

H. Arents, sworn:

Q.—Have you ever held any position in the State Insane Asylum located in this place? If so, state what position, and for what length of time.

A.—I was appointed Steward by Dr. Tilden, April twentieth, eighteen hundred and sixty-one, and held the position until May first, eighteen hundred and sixty-five.

Q.—State generally the duties of that office.

A.—I refer you to the rules and regulations of the Asylum, under the head of "Steward."

Q.—Do you know anything about a certain potato contract, mentioned by Messrs. Morse and Whitney in their report to the Governor, made with Messrs. Hale & Newell? If so, state all you know about it, and your means of knowledge.

A.—The Board of Directors in awarding contracts from May to October, eighteen hundred and sixty-four, both inclusive, awarded the contract for supplying the Asylum with potatoes to Messrs. Hale & Newell, produce merchants of Stockton, at one dollar and forty-five cents (\$1 45) per one hundred pounds. They furnished potatoes for that price for the month of May. At about that time, or the fore part of June, Mr. Hale, of said firm, stated to me in a conversation that they had not filed their bond with the Board of Directors, and the Board of Directors had presented them with bonds for their signatures with the penal obligation in the sum of one thousand dollars, (\$1,000,) or words to that effect; but they would withdraw that bond and would allow them to file others for three hundred dollars, (\$300,) meaning, as I understood it, that if that was the penal obligation of the bond they would then forfeit that contract and pay the amount of the forfeiture in potatoes at the going market price, and then would supply us with potatoes at the market rates the balance of the time called for by the contract.

Q.—What number of pounds of potatoes did they contract to furnish during the time stated above, and in what manner were they to be delivered?

A.—To the best of my knowledge and belief now, it called for sixteen thousand pounds per month, or ninety-six thousand pounds for six months; the records will show if I am in error.

Q.—State the general price of potatoes from the month of June up to October.

A.—From two and one half to five cents per pound. Those are the prices we paid for potatoes.

Q.—Who furnished potatoes at those prices?

A.—Hale & Newell, G. H. Sanderson, Vilhac & Company, Thompson & Company, and L. Howland.

Q.—State, if you know, what the pecuniary responsibility of Hale & Newell was at that time.

A.—They were solvent and responsible merchants; that was their reputation in the community.

Q.—State if you know anything about a beef contract made with Mr. Hodgkins to supply the Asylum with beef, and state all you know about it.

A.—There was a contract made between the Board of Directors and Mr. Hodgkins for furnishing the Asylum with fresh meats. The contract called for first choice and second choice meats, as understood by butchers; one fifth of the carcass was to be taken as first choice, and the balance of the carcass as the second choice. To the best of my recollection, meats in that way were furnished for the first month. The second month I received an order from the Resident Physician to receive the meats in the following manner: one quarter of the carcass to be received as first choice, and the balance of the carcass to be received as the second choice

or coarse meats, making a difference of forty or fifty pounds of second choice cuts taken as first choice. The meats were furnished in that way for the balance of the term of the contract.

Q.—State all that you know relative to a contract made by the Board of Directors to furnish the Asylum with hay and straw in the year eighteen hundred and sixty-four.

A.—In May, eighteen hundred and sixty-four, the contract was awarded to ——— for furnishing the Asylum with from fifty to seventy-five tons of hay, and from thirty to fifty tons of straw; the price of hay was twenty-nine dollars and fifty cents (\$29 50) per ton, the price of straw was sixteen dollars (\$16) per ton. I am not positive on that, but the records will tell on the price of the straw; on the hay I am positive. The contractor furnished about fifty tons of hay and about thirty tons of straw; he refused to furnish the balance of the seventy-five tons of hay unless we would take the balance of the fifty tons of straw. The contract, as I understood it, left it optional with the Directors to take thirty or fifty tons of straw, or the fifty or seventy-five tons of hay; we found the straw would not answer the purposes for which it was intended—

[The Board of Directors here informed the committee that the contractor referred to was John Wells, and that he is dead, and his testimony cannot be obtained as to this conversation, and they object to the statements of a dead man being introduced here in evidence. The Chairman of the committee overruled the objection and allowed the testimony to be admitted. To which ruling the Board of Directors excepted.]

L. E. PRATT, Chairman of Committee.]

And would not take any more than the lowest number of tons called for in the contract. The hay we wanted, and he refused to furnish that portion of the contract without we took the balance of the fifty tons of straw.

Q.—Did you get the balance of the seventy-five tons of hay, and the balance of the fifty tons of straw; and if not, can you state the reason?

A.—The first question I answer No. The last part of the question: The contractor informed me he could buy straw for eight dollars per ton, whereas hay he could not buy for less than forty-five dollars per ton, and he would not complete the contract unless he was allowed to furnish both hay and straw. He did not furnish any more than is stated in my evidence—thirty tons of straw and about fifty tons of hay, and we had to buy hay in the market at the going rates, to wit: I think it was from thirty-five to forty dollars per ton for hay two years old; first class hay, such as called for by contract, was worth forty-five dollars per ton. New hay will hold out in weight as marked upon the bales, whereas old hay, two years old, will lose in shrinkage about five per cent, and, as I stated, I had to take it by the weights that were marked on the bales or do without it. There was no other hay, that I knew of, for sale at that time in market. I have reference to oat hay in this evidence that I have just given.

Q.—State if you know of any other contracts made for furnishing supplies to the Asylum, which were not complied with, and if so, state what they were and all you know about it.

A.—There was one for blankets. I don't remember much about that



blanket affair, but this much I will state: The contract since they were placed there. The answer was, nothing hundred and fifty pairs of blankets, five and one half or six. The day was a warm, sultry day during the summer; The contract was not complied with. The particulars on windows or ventilation to this wood house, and it was the contract was not complied with I forget. It called side. There were about two cords of sawed and split wood gray blankets. The contract was with either Gray & Hicks house. I reported the circumstance to Doctor Tilden, well & Mosely, I don't remember which. The contract was the next morning from San Francisco. I will now state with by the contractors furnishing Eastern or foreign blassed through the female department to see where the inferior quality to the California blankets called for in the and was told at each time that she was in her room, nor those contracted to be furnished, at market value? Matron at any time during that day in the vicinity of the

Q.—What is the difference in the value of the blankets f Matron at any time during that day in the vicinity of the those contracted to be furnished, at market value?

A.—From one to one dollar and a half per pair.

Q.—What was the difference in value of the two kinds of the Asylum?

A.—The difference was at least one hundred per cent in California blankets. They are warmer, stronger, and will last fully as long as two pairs of the Eastern blankets.

Q.—State if you know of any mistreatment of any of the Asylum during your term of office, or since, and if so, th if you can give them, their sex, about the time at which they treated, and by whom, and all the particulars relative thereto means of knowledge as to such mistreatment.

A.—In September, eighteen hundred and sixty-three, a death occurred to me that there never was a contract made in that in the first ward of the female department. I was notified death. It was the duty of the Steward to see that the co any one suggest to you that you had made a mistake in your made, and attend to the burial of all patients. In passing up in that matter?

ward to get the length of the patient for a coffin, I heard a r; but I had a conversation with the committee, and Doctor Til-

the patients saying that "Fanny" had drowned a woman. Present, in which I stated that I wished to withdraw my testi-

Fanny Levison, the assistant attendant of that ward. I asked it was wrong.

this death occurred. She stated she wanted to bathe this pa; much longer ago was it that the beef contract was made placed her in a cold bath; the chill from the same struck to time when the potato contract was made?

and killed her, but she had no idea that any harm would originate on't know whether it was made before or after.

it. The next morning after this death it was general talk and you ever see the first bond in the potato contract?

female attendants about this death, and Doctor Clark had died.

both of the attendants of the ward. About nine o'clock of said and you ever see the second bond in the potato contract?

Miss Norris, the attendant of the ward, and one of those who ho.

discharged by Doctor Clark, called on me to have her trunk; you know of your own knowledge that any bond was given Webber's avenue. I entered into conversation with her about this the potato contract?

regretting the occurrence exceedingly on her account. She repl; do.

she could not help it, that Fanny Levison would have her own do you swear positively that Mr. Hale told you that there was a don't now remember the name of the female said to be drowned bligation, or words to that effect, in the first bond offered for their had written out a statement of the conversation here testified tres, for potatoes, of one thousand dollars?

the name and dates, and handed it to Dr. Tilden.

I remember a circumstance of ill treatment of female patients.

Doctor Tilden's absence in San Francisco. I had been superint; Did you understand from his language that they would withdraw the repairing of water pipes in one of the yards connected with, as you stated in your examination in chief that they had female department, when my attention was called by Mr. G. Sch; such a bond?

the engineer, to some female patients locked up in the wood I did not.

This was about nine o'clock in the morning. I opened this wood L; What did you understand then from his language?

and found six female patients locked in it—one of them was a ch; I understood from his language that the Board had reduced the not exceeding ten or twelve years of age. I closed the door again; nt to be stated in the bond from one thousand dollars to three hun-

back and looked in again at ten o'clock. My duties after that called; dollars, and that he would save seven hundred dollars by the alter-

to the city. After my return from the city I looked in three diff; How could you understand from his language that they would times, at about one, four, and five o'clock, and found the six pat; seven hundred dollars from the change, when you say that you did there each time. One of the patients I asked if they had had anyt; understand from his language any bond at all had as yet been given?

ess here states that he desires to say that his testimony in he beef contract is very indefinite, from the fact that his had not been called to it till to-day; that when he gave his e thought it was all correct, but that now he is satisfied that and therefore he requests to withdraw it.]

#### CROSS EXAMINED.

ing the recess of the session of the committee?

has caused you to change your mind in regard to the beef

contract made in that

ward to get the length of the patient for a coffin, I heard a r; but I had a conversation with the committee, and Doctor Til-

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A.—By a conversation I had with him after that date, that they had filed their bond for three hundred dollars, that they did not intend to comply with it, and would forfeit their contract.

Q.—Are you positive that he proposed at that time to pay the forfeit in potatoes, at the going market price, as you stated, and not in money?

A.—Yes; at the time he stated to me they would pay the forfeit in potatoes it was after they had filed their bond for three hundred dollars.

Q.—Examine this bond of John Wells, presented, and see if this is the bond concerning which you gave your testimony in reference to the hay and straw contract.

A.—I never saw the bond before, but believe it is the one to which I had reference.

Q.—State if you know whether the Board of Directors, upon consultation with yourself and Doctor Tilden, did not, with you, come to the conclusion that it would be more profitable to the institution to release the contractor from his obligation to furnish the balance of the hay, if with it the Directors would be obliged to take the balance of the straw.

A.—I think I had a conversation to that effect with Mr. Sperry, and probably with other members of the Board. I concluded it would be more profitable in that case to abandon the contract.

Q.—State whether, in your opinion, under the circumstances, the Board were not performing their duty to the State in throwing up the balance of that contract.

A.—I think they were.

Q.—State, if you know, in reference to the blanket contract alluded to by you, whether the California gray blankets could be got in the San Francisco or Stockton market in such quantity as was needed by the institution at the time of the change spoken of by you in reference to that article.

A.—In the former city I had no way of knowing; in the latter city, Stockton, I don't think they could. This is the best of my knowledge, upon reflection on the matter. Before the contract was to be filled the mill burned down, and my impression now is that it was impossible to fill the contract with that kind of blankets.

Q.—State if, upon reflection, you have not changed your opinion of the comparative market value of the blankets substituted for the California gray blankets.

A.—I have. Where I stated in my evidence that the difference in the market value of those blankets was one dollar, or one dollar and a half, would think the difference would not be more than fifty cents per pair. In reference to the wearing quality and the value to the Asylum, I do not wish to change my testimony.

Q.—State whether in reference to the value to the Asylum of those different qualities of blankets, your belief is derived from previous or subsequent experience.

A.—From previous experience.

Q.—State whether you had informed the Board, previous to this time, that there was all this difference in value between these two qualities of blankets.

A.—I don't remember, but my impression is I did not.

Q.—State whether the Board did not rely upon you for such information.

A.—I don't know that they did rely upon me for any information as regards the internal affairs of the institution.

Q.—State whether you informed Doctor Tilden, prior to this time,

there was all this difference in value between these two qualities of blankets.

A.—I think I did, but am not positive on that question.

Q.—If you did, do you know whether he informed the Board?

A.—I do not know.

Q.—State whether you do not think it was Doctor Tilden's duty to inform the Board, and whether it was not your duty to inform him.

A.—I answer yes, as far as regards Doctor Tilden, and as regards myself when a contractor did not deliver goods in accordance with the contract.

Q.—State whether you had used the quality and kind of the California gray blankets provided for in this contract, prior to this time.

A.—We had.

Q.—Did you tell Doctor Tilden that they were worth to the institution twice as much as the blankets substituted for them?

A.—I don't think I did.

Q.—State whether you know, of your own knowledge, that the blankets substituted were taken at the same price as the blankets provided for by contract.

A.—I do not know; I do not remember.

Q.—State whether you learned from Mrs. Levison, or any other party, that it was Mrs. Levison's intention to do the woman who died in consequence of the bath, any harm.

A.—No.

Q.—If it was an error of judgment on her part, and not of intention, was it not the duty of the acting Resident Physician to discharge her for incompetency?

A.—It was.

Q.—Was not the husband of the woman who died in consequence of the bath at the institution that day, or the day after, and was he not informed of this affair?

A.—I was told the day before her death this woman was brought to the Asylum, and her husband was with her, and that he was informed of her death.

Q.—Do you know who shut the female patients up in the wood house?

A.—I do not know.

Q.—Why did you not find out?

A.—It was not my business.

Q.—Doctor Tilden being absent that day, and Doctor Clark also, who was left in charge of the institution?

A.—I don't think there was anyone.

Q.—Who was the next highest officer?

A.—There is none.

Q.—In that case, why did you not inform the Board of Directors?

A.—There was no law authorizing me to do so.

Q.—Would you, then, still keep them in prison for want of a law to get them out?

A.—I had no authority in the case.

Q.—Did you unlock the door yourself when you first found them there?

A.—I did.

Q.—Did you lock it again and leave them there?

A.—I did.

Q.—Did you unlock the door at one, three, and five o'clock on that day, when you still found them there?



A.—I did.

Q.—Did you lock the door again at one, three, and five o'clock, and leave them there?

A.—I did.

Q.—Did you leave them there all that night?

A.—I did not see them after five o'clock, and don't know whether they remained there all night or not.

Q.—Do you know who let them out?

A.—I do not.

Q.—Why did you not go to the Matron's room and inform her of this fact?

A.—Because she had informed me that I had no business or authority in the female department, and so long as she could keep on the right side of the Board of Directors she defies the authority of the Resident Physician, Doctor Tilden.

Q.—State whether you know that this Board ever heard of this case before to-day.

A.—I reported the case to Doctor Tilden on his return from San Francisco the next morning, and should have reported it to Doctor Clark that evening had I seen him.

# TESTIMONY OF JOSEPH HALE.

JANUARY 19th, 1866.

Joseph Hale, sworn :

Q.—Are you the Mr. Hale of the late firm of Hale & Newell, produce merchants of this city?

A.—I am.

Q.—Did you enter into a contract with the Board of Directors, in April or May, eighteen hundred and sixty-four, to supply the Asylum with one hundred thousand pounds of potatoes?

A.—Yes, more or less.

Q.—Did you sign a contract at that time, or a bond, in which there was a penal obligation in the sum of one thousand dollars?

A.—No.

Q.—Did the Board of Directors of the institution at that time, or any one of them, or any agent or attorney on their behalf, present to you for your signature a contract or bond having a penal obligation in the sum of one thousand dollars, or anything equivalent thereto?

A.—No.

Q.—Did you ever tell Mr. Arents that such a bond or contract had been presented to you for your signature?

A.—No.

Q.—What was the penal obligation in the bond presented to you, or made up by you, as the case may be, and signed and delivered to the Board by you?

A.—No specified amount.

Q.—What bond do you refer to in your last answer?

A.—I mean the bond, of which I have a copy here, and signed it and delivered it to the Board of Directors, and which I here present to the

committee as a part of my testimony, and a copy of which is hereto attached.

## "BOND."

"Whereas, The Trustees of the Insane Asylum of California have advertised for proposals for furnishing supplies for said Asylum for the term commencing May first, eighteen hundred and sixty-four, and ending October thirty-first, eighteen hundred and sixty-six\*, in pursuance of an Act of the Legislature, approved April sixteenth, eighteen hundred and fifty-eight; and, whereas, the undersigned made proposals in writing to furnish potatoes; now, therefore, we, the said Hale & Newell, in pursuance of the said statute, and of said proposal and acceptance, and in consideration thereof, do hereby promise and agree to and with the Trustees of the Insane Asylum of California, to furnish and deliver at the Asylum in Stockton, during the term aforesaid, the amount of potatoes advertised for, as called for by the Resident Physician, to wit: One hundred thousand pounds—or sixteen thousand five hundred pounds per month—for one dollar and forty-five cents per hundred weight."

"HALE & NEWELL."

"We do hereby guarantee the fulfilment of the within contract, and agree with the Trustees of the Insane Asylum of California, in consideration of their awarding said contract to Hale & Newell, to pay to them, or their successors in office, all damage that may be sustained by reason of any breach or failure on the part of said contractors to fulfil said contract, waiving notice of non-fulfilment.

"H. HODGKINS,

"SIDNEY NEWELL."

"Stockton, 1864.

"I hereby certify the above to be true copy of the bond sworn to have been given to the Board of Directors of the Insane Asylum, by Hale & Newell.

"R. HAPPERSETT,

"Secretary of the Board of Directors."

[A true copy of the paper in my hands.

C. D. LYMAN,

Clerk of the Investigating Committee.]

Q.—State why this bond was surrendered and another bond exacted of you?

A.—Because to be good, as I understood it, it was necessary to have it for some specific amount of forfeit.

Q.—How long was it after the first bond was given before the second bond was required of you?

A.—About six weeks, more or less. I don't remember exactly.

Q.—What was the penal obligation of the second bond?

A.—Three hundred dollars.

[The witness here shows the bond, which he says is the bond he alluded to, the copy of which is hereto attached.]

[\* 1864 (?)—C. D. LYMAN, Clerk.]

## "BOND.

"Know all men by these presents: That we, Hale & Newell, as principals, and Henry Hodgkins and Sidney Newell, as sureties, all of the County of San Joaquin and State of California, are held and firmly bound, jointly and severally, unto the Directors of the Insane Asylum of California, in the sum of three hundred dollars, current coin of the United States, to be paid to said Directors of the Insane Asylum of California, for the payment of which, well and truly to be made, we bind ourselves, our heirs, executors, and administrators, firmly by these presents.

"Sealed with our seals.

"Dated the twenty-sixth day of April, A. D. eighteen hundred and sixty-four.

"The conditions of the above obligation are as follows: That, whereas, the Board of Directors of the Insane Asylum of California, in pursuance of an advertisement published according to law, calling for bids for supplies for said Asylum for six months, beginning May first, eighteen hundred and sixty-four, and ending October thirty-first, eighteen hundred and sixty-four, did, on the — day of — 186 , accept of the bid of the above bounden Hale & Newell, their bid being the lowest offered, for supplying said Asylum, for said period of time, with the following articles, at the prices named herein, to wit: potatoes at one dollar and forty-five cents per cwt.; said articles to be delivered at the Asylum as needed, upon the requirement of the Resident Physician; and whereas, the said Board of Directors, by the acceptance of said bid, according to said advertisement, agreed to pay for said articles when delivered at the said Asylum, in current coin of the United States, the sums due, according to the prices named in said bid;

"Now, therefore, if the above bounden Hale & Newell shall furnish to said Asylum the articles named, according to the conditions set forth, to the satisfaction of said Resident Physician, then this obligation shall be null and void; but if they shall fail or neglect to supply the said articles as required, the Board of Directors making suitable provision for the payment of sums due, then this obligation shall remain in full force and virtue according to the amount of damage sustained by said Asylum by reason of the failure or refusal of the said obligors to supply said articles or any of them.

"HALE & NEWELL, [SEAL.]  
 "H. HODGKINS, [SEAL.]  
 "SIDNEY NEWELL. [SEAL.]

"Signed and sealed in the presence of D. A. MEADER."

"I certify the above to be a correct copy of the bond of Hale & Newell for the fulfilment of the contract awarded to them on the twenty-fifth day of April, eighteen hundred and sixty-four.

"R. HAPPERSETT,  
 "Secretary of the Board of Directors."

[A true copy of the bond in my hands.

C. D. LYMAN,  
 Clerk of the Investigating Committee.]

Q.—Did you ever tell Mr. Arents that you would throw up that last contract, and pay the forfeit in potatoes at the going market rates?

A.—I don't think I did. I did not consider he had anything to do with it.

[Here the witness shows a letter which he says was written by him to the Board of Directors, and is thereupon read to the committee, a copy of which is hereto appended.]

[Letter.]

"To the Board of Trustees of the Insane Asylum, Stockton:

GENTLEMEN:—In consequence of the drought, potatoes, for which the contract was awarded to us, have advanced to such high figures that it will be impossible for us to fulfil the contract without a loss very much exceeding the amount of the bond. From the date of the contract to date we have furnished the article contracted for at a loss of ten dollars and fifty cents per ton for old, and forty dollars per ton for new; at this date they can only be furnished at a loss of one hundred per cent more than heretofore. In view of these facts, we now notify you that we are ready to pay the amount of the bond in gold coin or its equivalent, and beg in the meantime to present the following facts: Since the contract system has been adopted, it has been our aim to bid at as low a figure as possible, and our bids have most always been from twenty to twenty-five per cent lower than the lowest, and from fifty to two hundred per cent lower than the highest. The prospect, when the last bid was given in, for a crop was fair, but the drought in the potato-growing districts has been very severe, and has caused an almost total failure of the crops. We now propose to your honorable body to supply potatoes for the balance of the term at the market rates, and, in consideration of our losses, would respectfully ask that if the proposal is accepted, we may be paid monthly. All of which we respectfully submit.

"HALE & NEWELL.

"Stockton, June 15th, 1864."

"I hereby certify the above to be a true copy of the original letter of Hale & Newell, of the above date, now in the office of the Secretary of the Board of Directors of the Insane Asylum of California.

"R. HAPPERSETT,  
 "Secretary of the Board of Directors."

[A true copy of the letter in my hands.

C. D. LYMAN,  
 Clerk of the Investigating Committee.]

Q.—State whether you did pay the forfeit, as proposed, and surrender the contract?

A.—We did.

CROSS EXAMINED.

Q.—You stated that you made a contract with the Board of Directors to furnish the Insane Asylum with one hundred thousand pounds of potatoes, more or less, in April, eighteen hundred and sixty-four, in which you say you did not sign a bond in the penal sum of one thousand dollars, or any other sum; will you state whether that contract was in writing?

A.—It was.

Q.—By whom was that written contract signed?

A.—Signed by Hale & Newell, and I think by Henry Hodgkins and Sidney Newell. I am not positive as to the securities or bondsmen.

Q.—Is that the same paper to which you referred in your examination in chief, a copy of which has been appended to your testimony, which you now allude to as the first bond which was given?

A.—It is.

Q.—At about what time, as nearly as you can recollect, did you make this contract with the Board of Directors?

A.—According to the best of my knowledge and belief, about the twenty-sixth, twenty-seventh, or twenty-eighth, of April, eighteen hundred and sixty-four.

Q.—Did you give this second bond, to-wit: "three hundred dollars," prior to or after you wrote that letter to the Board of Directors?

A.—Before I wrote the letter. We gave the second bond a short time before we wrote the letter.

Q.—You stated in your examination in chief that this "three hundred dollars bond" was given about six weeks after the first bond was given; can you explain why this bond is dated on the twenty-sixth of April, eighteen hundred and sixty-four, when the contract was made about the same time?

A.—Because, I presume, the other being null and void, this one was dated back to cover the whole time.

Q.—At the time that contract was awarded to you were you informed by the Board of Directors, or any of them, what amount of bond they would require from you?

A.—No.

Q.—Who drew up this "three hundred dollar bond?"

A.—Mr. Newell.

Q.—Have Hale & Newell ever had any other contract besides this to furnish the Asylum with potatoes, or anything else?

A.—We have.

Q.—In your other contracts did you ever give a bond for the performance of the same, without some specified sum therein named?

A.—I think we have; prior to this contract the bonds were given without any specified sum, but since that the amount has been specified.

Q.—You state you paid this three hundred dollar forfeit; how did you pay it—whether in gold, greenbacks, or what?

A.—At the time we sent in this communication they were owing us. The matter run along until the end of the month, the time when we generally presented our bills. The three hundred dollars was deducted from our bills and the balance paid to us.

Q.—Did you furnish the Insane Asylum with potatoes after the fifteenth of June, the date of your letter here?

A.—Some.

Q.—Did you furnish the Asylum with potatoes after the fifteenth of June, eighteen hundred and sixty-four, at one dollar and forty-five cents per one hundred pounds?

A.—No, I don't think I did.

Q.—You say that on the last of June, eighteen hundred and sixty-four, in your settlement with the Board of Directors, you paid them the three hundred dollars as the forfeiture in this bond; will you explain to this committee why this bond was not cancelled until the ninth of August, eighteen hundred and sixty-four?

A.—I don't know anything about it.

Q.—Did you continue to furnish potatoes to the Asylum at one dollar and forty-five cents up to the ninth of August, eighteen hundred and sixty-four?

A.—No.

Q.—Did you furnish any potatoes to the Asylum at one dollar and forty-five cents after the first of June, eighteen hundred and sixty-four?

A.—I was out of town at that time. Newell, I think, notified the Board that we should probably give it up when I returned, and probably there were no bills sent with the potatoes for a few days until I did return.

Q.—Did you ever at any time have any conversation with Mr. Arents relative to that potatoe contract?

A.—Don't recollect any particular conversation. He was there, and we might have had some conversation about it, but don't recollect.

Q.—Did you never state to Mr. Arents that you had made a bad bargain in that contract, and that you were losing money by it, or words to that effect?

A.—Very likely I did.

Q.—Don't you recollect that you stated to him that you was going to forfeit the contract and get out of it?

A.—Very likely I did that, too, but I don't remember it.

Q.—In your conversation with Mr. Arents relative to your throwing up that contract or paying the forfeit, did you not state to him that you would furnish the Asylum with potatoes at the going rates, or words to that effect?

A.—I think it is very likely I did, as I had made the same proposition to the Board in that letter.

Q.—How much did you make by forfeiting that contract?

A.—About four hundred and fifty dollars difference to us.

## TESTIMONY OF THOMAS R. MOSELEY.

JANUARY 20th, 1866.

Thomas R. Moseley, sworn :

I am a dry goods and clothing merchant in the City of Stockton.

Q.—Do you know anything about a contract awarded to Messrs. Gray & Hickman, for California gray blankets, in which they failed to comply with the contract, and furnished Eastern or foreign blankets in the place of California gray blankets, and what, if anything, did Mr. Arents say to you concerning the relative value of those different qualities of blankets at that time?

A.—I saw one bale of English gray blankets, furnished at that time by Gray & Hickman, and spoke to Mr. Arents about it, and called his attention to it. He told me that they, "the particular bale alluded to," were a larger and heavier blanket, and he thought they were full as good as the sample.

Q.—At what time did this transaction take place?

A.—I think it was in the winter of eighteen hundred and sixty-one, and the time alluded to by Mr. Arents, whose testimony has been read to me.

## CROSS EXAMINED.

Q.—In your testimony you speak of one bale of blankets; do you know about any others?

A.—I do not. One bale of blankets contains fifty pairs.

[Here was introduced the record of the Board of Directors of May ninth, eighteen hundred and sixty-four, in which H. B. Underhill was appointed a committee to draft a blank form of bond to be adopted by the Board.]

## TESTIMONY OF H. E. HALL.

H. E. Hall, sworn:

I am County Clerk of San Joaquin County.

Q.—What papers are those you hold in your hands?

A.—They purport to be a report of the inquest held at the State Insane Asylum, commencing June second, eighteen hundred and sixty-five, upon the body of James Lilly, deceased, by request of Dr. A. Clark, Superintendent, and also written request of the Board of Directors of the State Insane Asylum at Stockton.

Q.—Is the printed paper marked "Coroner's Inquest," a correct copy of the original papers containing the testimony and verdict of the jury now on file in your office?

A.—It is, in the main, with a slight difference in the phraseology.

## TESTIMONY OF JOHN A. VANCE.

John A. Vance, sworn:

Q.—State to this committee if you hold any office in the State Insane Asylum, and if so, what office, and how long you have held it?

A.—I have been Clerk of the State Insane Asylum since about the middle of July, eighteen hundred and sixty-two; I was first called Secretary, but adopted the name of Clerk myself.

Q.—State if it is your duty to keep a record of the causes of deaths of patients in the Asylum, and if you have done so during your term of office up to the present time?

A.—It is my duty, and I have done so.

Q.—State by whose authority and directions these entries have been made by you.

A.—By the physicians of the Asylum.

Q.—Now turn, if you please, to the record of the death of the woman who was reputed to have died in consequence of the bath, and give her name.

A.—The name is Catherine Adams.

Q.—Now read the record in that case.

A.—"September seventh, eighteen hundred and sixty-three. Number five, Catherine Adams, twenty-eight years of age, native of Ireland,

came from the County of San Francisco; committed September, eighteen hundred and sixty-three; cause of death, congestion of the brain; number of grave, two hundred and seventy-two."

Q.—Now state by whose authority and direction you made that entry?

A.—It was made after a consultation, in which there was present Doctor Tilden, Doctor Clark, and Doctor Thorndike. The words used in the record were dictated by Doctor Tilden.

Q.—Do you know of a death of a patient in the Asylum during Doctor Tilden's administration, reputed to have been caused by strangulation by the patient's own hands with a cord, or something equivalent; if so, give the name of said patient, and read the record made by you at that time?

A.—Vincent Lary was said to be strangled by his own hands with the sleeve lining of a coat. The record is: "February twentieth, eighteen hundred and sixty-three. Number two. Vincent Lary, thirty-seven years of age, native of Naples, came from San Francisco; committed in February, eighteen hundred and sixty-three; cause of death, congestion of the brain; grave, number two hundred and forty-eight."

Q.—By whose authority and direction was the entry made in this case?

A.—I have no positive recollection; but Doctor Clark always refused to make entries in cases of accidents without consulting with the Resident Physician.

## CROSS EXAMINATION.

Q.—Did you make that record?

A.—I did.

## DIRECT EXAMINATION RESUMED.

Q.—Do you know of a death of a female patient in the Asylum during Doctor Tilden's administration, reputed to have been caused by the patient's getting into the apothecary shop and taking phosphorus and eating it?

A.—I do.

Q.—Give the name and record as before?

A.—"November first, eighteen hundred and sixty-three. Number one. Mary M. Whiting, twenty-nine years old, native of Connecticut, came from San Francisco; committed October, eighteen hundred and sixty-three; cause of death, inflammation of the stomach and bowels; number of grave, two hundred and eighty-four."

Q.—State by whose authority and direction this entry was made.

A.—I have no positive recollection of the exact circumstances.

Q.—Do you know of another death of a patient in the Asylum since Doctor Tilden's term of office, reputed to have been caused by strangulation by his own hands?

A.—There was a man reputed to have been strangled by his own hands. I heard that it was a cravat and a piece of a bed slat to twist it round. The record: "June ninth, eighteen hundred and sixty-five. Number one. David McHenry, forty-four years of age, native of New York, came from Nevada County, committed March, eighteen hundred and sixty-five; cause of death, suicide; number of grave, four hundred and ten."

Q.—By whose authority and direction was that entry made?

A.—Doctor Clark. There was a note in the record of commitment stating the circumstances of his death. The committee is referred to the books for the note referred to.

## CROSS EXAMINED.

Q.—You stated that there was a consultation between Doctor Tilden, Doctor Clark, and Doctor Thorndike, held in your presence, in the case of Catherine Adams; will you now state the purpose for which it was held, and the circumstances which occasioned the consultation, as near as you can remember?

A.—It was not a very formal consultation, but was for the purpose of entering up the causes of death in that and some other cases. The causes of death were not always entered at the time the death was reported.

Q.—In this consultation as to the cause of the death of this woman, was there any difference of opinion between these three physicians?

A.—That I do not know.

Q.—Can you state whether Doctor Tilden was in Stockton or at the Insane Asylum on the seventh day of September, eighteen hundred and three?

A.—He was not.

Q.—Can you state whether he returned to the Asylum before this woman was buried?

A.—I don't know when this woman was buried. I can approximate the time when Doctor Tilden returned—about the first of October, eighteen hundred and sixty-three.

Q.—Do you know whether Doctor Tilden was at home when the man "Lary," who was reported to have strangled himself, did so, and was buried?

A.—I don't positively recollect, but have heard Doctor Tilden say he was not at home, and my belief is that he was not.

Q.—Do you remember or do you know that the husband of Mrs. Whiting, whose death was reported as occasioned by inflammation of the stomach and bowels, came to the institution a short time afterward, and was informed by me that she died from inflammation of the stomach and bowels, occasioned by her having taken phosphorus, but that we had no knowledge of the fact except from her own statement, and that we found the bottle of phosphorus opened and part of the water poured out?

A.—I do not remember the circumstance.

## TESTIMONY OF DOCTOR THORNDIKE.

JANUARY 20th, 1866.

Doctor Thorndike, sworn:

Q.—Was you present at a consultation between the Resident and Assistant Physicians of the Asylum concerning the entry to be made in reference to the cause of the death of Catherine Adams; if so, state what was said by the parties, and each of them, at that time, as near as you can recollect?

A.—I was present at the time, and sat at the desk near the table; Doctor Tilden sat on one side of the table, and Doctor Clark on the other. This case of Mrs. Adams was brought up by Doctor Clark, and the particulars connected with the death stated by Doctor Clark. Doc-

tor Clark stated that he had not made a record of the cause of the death, and thought he would not do so until Doctor Tilden returned. Doctor Clark asked of Dr. Tilden what record should be made, and Doctor Tilden said it would be well to put it down as "congestion of the brain," stating at the time that such cases, or similar cases, might happen, which should not be known to the outside world. Then he referred to a case in the Asylum of a man strangling himself, which happened before I came there.

## CROSS EXAMINED.

Q.—You stated that yourself, Doctor Clark, and Doctor Tilden had a consultation together as to what entry should be made of the cause of Mrs. Adams' death, and that Doctor Clark stated the circumstances of the death to Doctor Tilden; state what he, Doctor Clark, narrated to Doctor Tilden as the circumstances of her death.

A.—He stated that she was ordered to have a bath given her, which was one of the rules of the Asylum, I believe, when the patients were admitted there, and she had just been admitted there twenty-four hours; she protested against taking a bath the first morning she came there, and the attendants let her off till the next morning—the morning of the second day. Doctor Clark told Doctor Tilden during that conversation that a bath was given Mrs. Adams, and during the time she was taking the bath, or a very short time afterwards, she died. Doctor Clark said he considered the attendants very imprudent and had discharged them.

Q.—What reason did Doctor Tilden give for saying that it was better for the outside world not to know of such casualties as that?

A.—Said it would do them no good, and they would be none the wiser for knowing.

Q.—Did yourself and Doctor Clark coincide with those views, or did you make any objection to them, or either of them?

A.—Doctor Clark said there might be more or less "congestion of the brain."

Q.—You state that you had nothing to do with it in making the record; were you not one of the Assistant Physicians at that time?

A.—I was called the Apothecary and Assistant Physician at that time, and until I had a considerable fuss with Doctor Tilden, and after that he did not call me anything that was decent.

Q.—Can you state whether Mrs. Adams was buried or not before Doctor Tilden returned to the Asylum?

A.—I suppose she was, she had been dead some time.

Q.—Did you examine her after she was dead, and before she was buried?

A.—I did.

Q.—From the examination you made of her soon after she was dead can you state the real cause of her death?

A.—I cannot, because I was not present when she died; but I think it was from the effects of taking a bath.

Q.—State, as a physician, what effect that bath had upon her.

A.—I should think to shorten her days; I can't say because I do not know whether she died in the bath tub or not; I saw her about five or ten minutes after she came out of the bath, as reported to me by the attendants.

Q.—Describe the condition of the body at the time that you saw it, the condition of the blood vessels, the general appearance of the eyes, and everything else relative to the whole body, its warmth, and everything else appertaining to it.

A.—The countenance had a livid expression; the body had a good deal of color about it, and seemed about as warm as natural, or as nearly so as I could judge; the eyes were glassy; the capillaries were congested—I mean the termination of the arteries.

Q.—Who was present with you at the time you made the examination of the body?

A.—Miss Norris, Mrs. Levison, Mrs. Davis, and Miss Sarah Humphries.

Q.—Where was Doctor Clark at this time?

A.—I don't know where he was; he was at the Asylum soon after.

Q.—What induced you to make the examination of the body of Mrs. Adams?

A.—Because I was sent for to come and see her.

Q.—What, if any, remedies did you use to restore her to life?

A.—I tried to give her brandy and compound aromatic spirits of ammonia. I tried to give it to her in a tea spoon, but she did not swallow very well.

Q.—Could she swallow at all, or was life entirely extinct?

A.—Don't think she could swallow at all; think life was extinct.

Q.—Was that the only remedy that you used?

A.—That was the only medicine I used; but I turned her over on her side and tried to produce artificial respiration.

Q.—Can you state whether a post mortem examination was held on Mrs. Adams at the Asylum?

A.—There was not at the Asylum, or anywhere else, that I know of.

Q.—You stated in one of your answers that every person who was admitted into the Asylum had to be subjected to a bath the first thing, or something to that effect.

A.—I always understood that that was one of the regulations of the Asylum.

Q.—I ask you whether that was a rule or a custom only?

A.—I don't know that it was in one of the printed rules, but always required by Doctor Tilden.

Q.—Now I want to ask you whether it is the rule or custom for patients, when they first enter that Asylum, to be treated with baths, or anything else, without first being examined by some one of the physicians of the Asylum; or, in other words, that it is the duty or the right of the attendants to administer baths or any other treatment to such patients without instructions from the Resident Physician or one of the Assistant Physicians?

A.—Yes, unless there was some peculiarity in the patient, or he utterly refused to take a bath, when it was reported by the attendants to the Resident Physician, or in the female department to the Matron.

Q.—Is it, or is it not, customary for the Resident Physician or one of his assistants to examine the patient when he is first admitted into the Asylum, and prescribe to the proper attendant of such patient the manner and mode of his treatment?

A.—When he first comes there, there is nothing but the commitment to indicate his malady, and what you can see of him yourself. If there is nothing extraordinary about him, if he was admitted after the evening visits of the physician, he would not be seen until the next morning at nine o'clock; if admitted after the morning visits, he would not be seen until four, five, or six o'clock, unless his case required immediate attention. In the meantime he is given a bath, shaved, hair cut, if necessary, and clean clothes put on him if necessary.

## TESTIMONY OF DOCTOR CLARK.

JANUARY 20th, 1866.

Doctor Clark, sworn:

Q.—It has been stated here that in a consultation with Doctor Tilden and Doctor Thorndike, relative to the cause of the death of Mrs. Adams, that Doctor Tilden directed that it should be entered on the records "congestion of the brain;" please state now, as nearly as you can recollect, what was said by you, what was said by Doctor Tilden, and what was said by Doctor Thorndike, on that occasion.

A.—Soon after Doctor Tilden arrived home—the second or third day, probably the first or second day afterwards—I related to him the circumstances of this death, so far as I knew, and I think the thing was mentioned between us several times before this final consultation at this particular time. Mr. Vance was desirous of making up some records standing at the desk. This case came up, with others. I told him very freely my views of the case. I had told him about this woman coming in there about the sixth of September, and that on the following day, as was stated to me by the Matron or attendants, or both, probably, that they attempted to bathe her; she resisted, and they persisted in the effort; they finally succeeded in getting her in the water, and when they took her out she was dead or dying; that was about as I could state it to him. When the case was called to be pronounced upon there was some conversation in regard to it. I did not state it at that time differently from what I state it now. There were some doubts as to all the causes which were connected with her death. I was not present at the time of her death, and only had the statements, which were not given under oath, as to the circumstances. I had freely expressed the opinion, from what I had heard, that the attendants were more or less culpable. I did not at that time, or any other time, express a different opinion. I supposed they acted imprudently and rashly, and without any degree of malice, or at least, not with any expectation of such a result. I told him what action I had taken in the matter, and he being the regular Superintendent I referred it to him as to what should be said about it on the record. He proposed to report it a case of "congestion of the brain." I told him he knew the circumstances of the case as well as I did; he could do as he pleased about it, or words to that effect; accordingly the record was so made. I think he told Mr. Vance to so make it.

Q.—Do you recollect hearing Doctor Tilden state on that occasion that it was best to keep such cases from the outside world?

A.—I would not swear positively on that point.

Q.—What is your recollection about it?

A.—My recollection about it is that he expressed some such sentiment as that.

CROSS EXAMINED.

Q.—Who ordered the records made in the cases of Lary and Mrs. Whiting?

A.—I have no recollection of making any order in cases of that kind, except in a case that occurred after Doctor Tilden left.

## TESTIMONY OF DOCTOR J. F. MORSE.

Doctor J. F. Morse, sworn :

JANUARY 23d, 1866.

Q.—You are one of the Visiting Physicians of the State Insane Asylum?  
A.—I am.

Q.—Did you in October, eighteen hundred and sixty-three, visit the Asylum in company with Doctor Whitney and Governor Low?  
A.—I did.

Q.—Were you at that time informed of the death of Mrs. Adams, and if so, who informed you, and what did you understand was the cause of her death?

A.—I was so informed, and my impression is that the statement of the case was made by Doctor Clark, and that the cause of her death was being forcibly held under the water; that she was forcibly taken to the bath, to which she resisted; was forcibly stripped and placed under the faucet; the two girls who were administering the bath had become so excited by her screams and resistance that they did not appreciate time; they held her there till she ceased her resistance. By some spasmodic movement they became alarmed, took her from the bath, and found her unconscious, and in a few moments she died. When this statement was made, Doctors Whitney, Tilden, and Governor Low were present. It was represented as a melancholy affair, and was stated for consultation as to what was best to be done about it, and also as an evidence of the unfitness of the Matron for the position she held. Doctor Clark further stated to us that he had immediately discharged the two attendants who had administered the bath. It resulted in all coming to the conclusion that, for the benefit of humanity, and for the purpose of saving the feelings of the husband, the cause of death should be suppressed; but that it should be used as one of the means for adopting a more stringent system for the management of the institution.

## TESTIMONY OF J. B. SAUL.

J. B. Saul, sworn :

JANUARY 22d, 1866.

Q.—Did you hold any position in connection with the Insane Asylum of the State; if so, what position, and for what length of time did you hold it?

A.—I held the position of farmer and gardener for, I think, two years and three months, from February, eighteen hundred and sixty-three, to May, eighteen hundred and sixty-five.

Q.—What were your duties in that position?

A.—My duties were on the farm and the garden, especially there, and only inside the walls of the Asylum when I had occasion to enter the yards or wards for working patients. I don't remember the date, but it was after the acts of insubordination among the attendants which obliged Doctor Tilden to discharge a number of the attendants, among them

the Supervisor, that in order to fill up the vacancies caused by such discharges, I was ordered to leave my garden and farm attendants inside to do duty in place of some of those who had been discharged. That order suspended operations in my department, for the reason that I had no one to take charge of the patients on the grounds. I was requested by Doctor Tilden to act temporarily as Supervisor, which duty I performed for about ten days. At the expiration of that time I resumed duty again on the farm and garden, having obtained other attendants to take the places of those who had formerly been working outside, and who had been placed on duty inside.

Q.—State, as far as you can, the manner of the treatment of the patients while you were connected with the institution?

A.—I know how they were required to be treated, and I know whenever Doctor Tilden noticed, or had his attention drawn to any mistreatment of a patient, no matter how valuable the attendant was in other respects, he was discharged. I can give an instance. I can instance the case of the first and second attendants in the second ward, who were discharged for permitting patients to sleep on the floor in bath rooms, instead of putting them on beds; the case of Henry McCoy, who was reported by Mr. Winslow for abusing a patient, was immediately discharged; also, the instance of Price, who was also an attendant on the outside. Doctor Tilden noticed a mark on a patient. The patient informed Doctor Tilden that he received the mark from the attendant for whom he was working sawing wood. Doctor Tilden inquired of me where Price was, and after seeing Price, and asking him if he did mark the patient, Price said that he did. That fact I recollect very distinctly, because we regretted the parting with Price, as we all liked him, and he was a very clever young man. Doctor Tilden discharged him.

Q.—What experience have you had as a farmer and gardener?

A.—I have followed that pursuit since the year eighteen hundred and forty-two almost consecutively, with the exception of two years I was mining in California. I have followed it in California about twelve years, in different places, to wit: I was four years foreman of Smith's Garden, in Sacramento; three years partner of A. P. Smith in growing garden seeds for the California trade; two years and three months at Stockton, managing the farm and garden at the Insane Asylum; for the last six months I have been in charge of the Oak Knoll estate, in Napa County, containing fifteen hundred acres grain and pasture, and one hundred acres of orchard.

Q.—State about how many acres of the farm attached to the Insane Asylum is in cultivation, and what kind of produce is raised upon the same?

A.—I believe that the farm proper comprises about one hundred acres, which includes the garden, orchards, etc. While I was there there was about five hundred bearing trees. Just before I left there, I finished planting about three thousand more. I set out a vineyard containing about twenty-four hundred vines of choice foreign grapes.

Q.—State the general character of that soil, the kind of products that it is adapted to, its facility for cultivation, and everything about it, its objectionable features, as well as its good qualities?

A.—The general character of the soil is that of a very stiff black clay loam, interspersed with a few places of lighter soil. For a vegetable garden, to cultivate on a large scale, the soil is too hard to cultivate to make it desirable for a vegetable garden. Nothing will grow in the summer, in the shape of vegetables, without irrigation. By means of



irrigation good vegetables can be produced, but can never compete with other land where vegetables are grown for the market on a large scale. It is the worst possible soil for growing vegetables profitably; where not too low, it will grow grape vines very well. Fruit does very well when irrigated, in the summer time; in the winter season, in wet weather, it is almost impossible to carry on operations, for the reason that the water accumulates on the surface, and can't pass off readily, except through the sloughs, which are generally too full to carry off all the water. The winter of eighteen hundred and sixty-four and eighteen hundred and sixty-five, for several weeks the ground was so wet it was impossible to pass over it with teams without miring down; and for several weeks all farming was suspended. The farm of the Asylum is subject to overflow from the Calaveras River, which overflows the slough and passes over the grounds of the Asylum farm, separating portions of the farm, one from the other. As the farm of the Asylum has been without adequate drainage, there will always be a large portion every winter rendered useless to cultivation, because we were obliged to pump all the sewerage wasted on the land to keep it from choking up the sewers from the Asylum. The sewerage water which was pumped up to keep it from passing through the sloughs on to the ground of others, who had complained of it, obliged us to build dams across the sloughs to retain the sewerage on the farm of the Asylum; and it formed lakes and ponds, over, I should think, twenty-five to thirty, may be thirty-five acres of the north end of the farm. Sometimes the accumulation of the stench would become so great that we had to break the dams and let it pass off through the sloughs. Where the soil is not alkaliied, the soil is naturally rich. It is so unpropitious for gardening purposes that it is better adapted for grain or grass than any horticultural operations. Some portions of the ground, even where elevated, are so flat that it requires ditching to carry the water on to the lower grounds, or into the sloughs; as for instance, the location of the new building is on the highest selected portion of the farm, but is so flat or dishing that in the wet winter of eighteen hundred and sixty-four and eighteen hundred and sixty-five, that I have been speaking of, neither man or beast could pass over it without miring down. That I know, because I had a field of beets on the ground, and during that wet winter would take the advantage of fine days on which to pull the beets out of the mud. Working patients would sink over the tops of their boot legs at that particular work, and on that particular piece of ground. Immediately adjoining that piece of ground was the graveyard, and during that same wet period to which I have made allusion, it was almost impossible to dig a grave, the water ran in so fast before they could dig it deep enough. I have seen fresh dug graves that had been left unused over night, so full of water that it would take nearly the whole of the next day to bail it out. During that same period I was frequently ordered to have a pair of horses hitched to the lumber wagon to haul a corpse to the burying ground through a sea of mud; it would be impossible for pedestrians. During the wet period to which I have been alluding to, and during the fine weather in which I had these patients employed, they were engaged mainly in digging ditches to run off into the sloughs the accumulation of rain water and freshet, to facilitate the drying of the land for farming operations. Under the system of cultivation adopted by me, my object was to keep the ground constantly under crop, which I was enabled to do by using the sewerage water for irrigation. Without irrigation the land would become so hard that the operation of ploughing

would be impossible; but by running the water over the land after taking off the crop in the summer time, and thoroughly watering it, then by waiting a few days for it to dry some, we could then put it into a condition to receive a crop of vegetables. Frequent irrigation was afterward necessary, in order to produce the crop. There was no other means of irrigation than the sewerage, except by boring artesian wells, or common wells, and using steam pumps. A flowing artesian well would probably have to be bored over a thousand feet—that being the depth of the one now in use in the City of Stockton. A common well for a steam pump would probably have to go from sixty to seventy feet; but you can strike water at any season of the year from six to eight feet from the surface. I have never tried potatoes myself, but the opinion of all the people about Stockton is, that potatoes cannot be raised upon that soil; but I have seen potatoes that had been planted by one of the patients that was all tops and no bottoms.

Q.—During the spring, and up to the month of June, within what distance of the surface, in sinking a hole, would you strike water at the graveyard?

A.—I cannot answer with any certainty.

#### DOCTOR CLARK, RECALLED.

JANUARY 26th, 1866.

Q.—Do you know Sylvester Marshall?

A.—I do.

Q.—Was he in the Insane Asylum while you were connected with the Asylum? and if so, at what time was he admitted into the Asylum, when did he leave, what was his condition when he came there, and what when he left? State generally everything you know about him.

A.—To the best of my recollection he came there in February or March, eighteen hundred and sixty-five. When he came there he was very insane—a case of what we call “mania.” Sometime, I think about the fourth or fifth of May, it came to my knowledge that he had received some injuries upon the chest. I examined him at the time, and desired to place a bandage upon his chest, but he was averse to it and would not consent to it; consequently I let that pass, thinking that I might, by forcing him, do him more injury than good. I asked him at that time who it was that had injured him. He refused to tell me, and would not give me any information at all as to who it was. Some days passed, and I again inquired of him. He said it was one of the keepers or attendants of the second ward, but did not know his name. I asked him if it was the dark haired one or the the light haired one. He said the dark haired one. I then went to the office and told Doctor Thorndike to take Drake to Marshall, and ask Marshall if that was the man that hurt him. Doctor Thorndike reported to me that Marshall said that Drake was the man, and that Drake acknowledged that he was the man, saying that he had had a struggle with him, and thought that he had hurt him. I was intending on the next day to go to Placerville. I told the Supervisor, Morrissey, to discharge Drake the next morning. The next day I went to Placerville. On my return from Placerville I learned that Drake had been accused of killing a man there by the name of Lilly. In accord-



ance with my order to Morrissey, he reported to me after my return that he had endeavored to find the man that I had told him to put in the place of Drake, but he did not succeed on that day in finding him; consequently Drake stayed over until Sunday, the next day after the one on which he was to have left. On Sunday the news came to the Asylum of the reported killing of Lilly. Doctor Thorndike said that he thought under the circumstances that they had better hold on to Drake till I returned, to see what action I would take in that matter. I consequently found Drake there on my return. I kept Drake, and immediately went to the Coroner and asked him to come and investigate the Lilly case. Drake was kept there until after that investigation; he then went as I had ordered, on account of abusing Marshall. I told him that I was satisfied that he had abused Marshall, and that he must go. Marshall had evidently been badly beaten or kicked about the breast, breaking some of the ribs or cartilages; there was some irregularity of the sternum, indicating that that had been injured also. Marshall remained, I think, about a month or six weeks, until I thought him sufficiently recovered in mind, and physically able to take care of himself, and I discharged him.

Q.—What caused the mania under which he was laboring?

A.—I heard that he had been a hard drinker, and think he told me that he once had an attack of partial paralysis, which would indicate that at the time of the paralysis he had some disease of the brain.

Q.—Were you present at the time that the body of Lilly was disinterred?

A.—I was at the Asylum, but not at the grave.

Q.—Can you state whether Lilly's grave had water in the bottom of it, and if so, how much?

A.—I do not know as to that, because I did not see the grave.

Q.—Did you see any of the fractured bones that were taken from the body of Lilly? and if so, how many, and how you got to see them, and when? and if so, state generally the description of them.

A.—I saw some of the bones, a portion of three or four ribs, and a portion of the sternum. I don't know that I saw any evidence of the bones having been diseased. I saw them; shown to me by Doctors Langdon and Whaley on the day of the post mortem examination. I don't think they were splintered much; mostly transverse fractures, to the best of my recollection. I did not examine them as I would have done had I been called upon to make an examination.

Q.—How many patients will the Asylum building at Stockton properly accommodate?

A.—I would say about four hundred, but in that climate five hundred could be accommodated quite comfortably.

Q.—How many patients of the description that usually go to an Insane Asylum could one superintending physician properly attend to?

A.—I suppose from four to five hundred would be a pretty good number to be under the charge of one physician.

Q.—Who appointed Drake?

A.—I think he was appointed by Doctor Tilden.

## TESTIMONY OF SYLVESTER MARSHALL.

JANUARY 29th, 1866.

Sylvester Marshall, sworn:

Q.—Where do you reside, and for how long?

A.—Sacramento City, and for sixteen years.

Q.—What, if any, public offices have you held in the City of Sacramento?

A.—Supervisor of the Third District, and Sheriff of the county.

Q.—Have you ever been a patient in the Insane Asylum, and for what time?

A.—I have, for the term of two months. I went there about the seventeenth of April, eighteen hundred and sixty-five, and came away about the seventeenth of June, same year.

Q.—In what ward were you placed?

A.—First.

Q.—Who was the Supervisor and attendant of that ward?

A.—I don't know, at that time; I mean when I first went there. After I was there some twelve days I was changed to the fifth ward. I remained in the fifth ward some eight or nine days, and was taken from there to what is called the cells. The cells are part of the second ward. I think the reason that I was moved was, I was feeling pretty well and could not sleep, and got up out of bed, and put a blanket round me to keep myself warm, and walked round in the room. Another patient, who was in the same room, called to the watchman and made complaint. I was then taken by the watchman and another attendant across the yard, and placed in the station house of the institution, and handed over to their mercies. I remained there some four or five days, in what is called the cells. I was feeling pretty well one day, and I went forward to the lattice work of the gateway and climbed up over the gate to look out. Mr. Drake, one of the attendants, asked me what I was doing there. I told him I was doing nothing. He had a broom in his hands and struck at me with the handle. I threw up my hand to ward off the blow. He then said to me: "You damned son of a bitch, I will fix you." He then went and got a pair of iron handcuffs and came to me and said: "I want to put these on you." I held out my right hand first. He put one on me, and then desired me to place my hands behind me. He then locked the handcuffs, with my hands behind me. He then jerked me down upon the asphaltum floor and kicked me in the breast. The number of times he kicked me I don't know. He kicked the breath out of me several times. I recollect of coming to, and saw him standing over me and calling me a "damned son of a bitch" and a "damned big son of a bitch." After he got through punishing me I was helped up by one of the patients. Those handcuffs remained on me about six hours. They destroyed pulsation, and my hands were as black as a negro's when the handcuffs were taken off. I found that in my breast, by moving my body, I could feel the grating of bones. I could feel the ends of three ribs had been broken off on the left side and two on the right side, and a fracture on the lower part of the breast. There is now across my breast a ridge as large as a good sized cane. [Here the witness showed the mark on his breast to the committee.] I still remained in the cells after the handcuffs had been taken off, I think about ten days. I was then taken out of there into the first ward.

After I was removed to the first ward I made complaint to Doctor Clark—sent the Warden for him. The Doctor came and examined me temporarily, and said he thought I would get well. I told him at the time what was the matter with me and how I was injured; that I had been kicked and abused over in the second ward. I told him that it was an Irishman that had done it. He sent Doctor Thorndike to bring up the party for identification, and he brought up this man George Drake. I identified him as the party who put the handcuffs on me and kicked me. I remained there in the first ward several days, and was then removed to the fifth ward, and remained there till I was discharged. I came home then to Sacramento. I called upon Dr. Oatman to treat me. He examined my breast, and prescribed for me and gave me medicine. I was then in a condition that he could not make any very accurate examination; he could only examine the external appearance.

Q.—How long did you remain in the cells after you received the injuries spoken of, before you were seen by one of the Physicians of the Asylum?

A.—I never was spoken to by any Physician while in the cell. The Physician, when he came in there every day, consulted with the Warden as to my condition, and not with me.

Q.—Did you request the Warden to inform the Physician of your situation?

A.—I did not. I dare not do it, for fear he would jump on me at some future time, and kill me.

Q.—Did you have an opportunity, while you was confined in the cells, to speak to either of the Physicians?

A.—I had opportunity, but not in the absence of Drake.

Q.—What was your general treatment as to food, clothing, etc., while you were there?

A.—As for food, it was very good. I was allowed to go barefooted for eight or nine days in the cells, because I was not furnished with shoes. The sleeping accommodations were all good enough.

Q.—How often during the week is the Asylum cleaned up, and how often is the bedding, etc., about the Asylum, changed?

A.—The Asylum is cleaned up once a week. The bedding is changed once a week, except in the cells, which are cleaned up every morning.

Q.—What day in the week do they do this cleaning up?

A.—Each ward has its day for using the water; they do not have any regular day for cleaning up the whole institution.

Q.—Do the patients have sheets and pillow cases to sleep on all the time?

A.—No, Sir.

Q.—Do they ever have them?

A.—No, I did not; nor did any of the balance of them in the ward I was in. I slept in a room with eleven other patients. We had two pairs of blankets, mattress, and a pillow stuffed with hay.

Q.—Do they keep sheets and pillow cases on the beds in the daytime?

A.—No, Sir. There is a spread over the bed in the daytime, and that spread is taken away on going to bed.

Q.—State if you know of any other mistreatment of patients while you were in the Asylum?

A.—I have seen this man Drake strike patients over the head with a bunch of keys that he carried around with him. It was quite common for him, if the patients did not do as he told them to, to whale them over

the head with a bunch of brass, steel, and iron keys that he carried around with him.

Q.—State anything that you may know relative to injuries inflicted upon one Lilly?

A.—I did not see anything, as all were locked up in their cells; but I heard the screams of Lilly at the time.

Q.—What distance was your cell from Lilly's cell?

A.—There were about five rooms intervening between my cell and the one occupied by Lilly.

Q.—Did you hear at that time the noise of any blows inflicted upon any person, or did you hear any sound that would indicate that there was a scuffle and conflict in the cell?

A.—I did; I heard a rumpus, and I heard one of the Wardens say, "for God's sake don't, you will kill him!" the other one said, "I want to kill the son of a bitch." I also heard blows, as if there was striking.

Q.—State which one said "for God's sake don't, you will kill him!" and which one said he wanted to kill the "son of a bitch?"

A.—It was Knapp that said "for God's sake don't, you will kill him!" and Drake that said he wanted to kill the "son of a bitch."

Q.—How did you know that?

A.—It was very easy for me to distinguish between the two voices, Knapp being a German and Drake an Irishman. There seemed to be a general row in that one particular cell; I mean by the general row that it was between Lilly, Drake, and Knapp; I don't think anybody else was engaged in it; it lasted about an hour, I think, from the time that Knapp and Drake left to go down to that particular cell. I judged from the squeaking of the bedstead and the other noise that there was a scuffle going on; the screams finally died away and I heard nothing of it.

Q.—Did Drake or any of the other attendants make any threats to you as to what they would do with you if you reported to the Superintendent?

A.—They did not; but I can state that after I was placed in the first ward and allowed to go out into the yard several of the Keepers or Wardens came to me and asked me how I was injured, and felt of my breast, and told me I had better not make any report or say anything about my being injured.

Q.—Did any of the Physicians say anything like that to you, or any of the Directors?

A.—Doctor Clark asked me the day before I came away if I would be satisfied if he would discharge Drake. I told him I did not care what he done with him; I wanted to get away myself. Doctor Clark told me that when I got back to Sacramento there would be inquiries made of me, and wanted to know what I would say. I told him that I would not say anything that I would not put my name under.

Q.—How long was it after your injuries were first shown to Doctor Clark that you left the Asylum?

A.—I think it was about fifteen or sixteen days.

Q.—Was Drake still there when you left?

A.—I was told by the Supervisor that he was discharged the night before I left.

Q.—Was the injury inflicted upon you before or after Lilly's?

A.—It was after.

Q.—About how long after Lilly was injured?

A.—I think it was two days.

## TESTIMONY OF MRS. THOMAS W. REESE.

Mrs. Thomas W. Reese, sworn :

JANUARY 31st, 1866.

Q.—Where do you reside ?

A.—Sacramento City.

Q.—Did you ever reside in Stockton ?

A.—I did.

Q.—Did you ever hold any position in the Insane Asylum, and if so, what was it ?

A.—I did, as assistant attendant in the first ward of the female department.

Q.—Please state at what time.

A.—From August, eighteen hundred and sixty-two, to September, eighteen hundred and sixty-three.

Q.—Who was the Matron of the female department while you were there ?

A.—There were two, Mrs. Tittle and Mrs. Davis; Mrs. Tittle was there from about May, eighteen hundred and sixty-two, to about May, eighteen hundred and sixty-three, and Mrs. Davis was there the balance of the time I was there.

Q.—Who was the assistant with you in that ward during the time you were there ?

A.—Miss Norris and Miss Kate Downing.

Q.—Do you recollect a patient named Mrs. Adams ?

A.—I do not.

Q.—Do you recollect a patient who died in the bath room belonging to your ward, whose death was said to have been caused by congestion of the brain ?

A.—I do.

Q.—Do you recollect about what time the death occurred ?

A.—I do not; some time in September, eighteen hundred and sixty-three.

Q.—Please state all that you know relative to her death, and all the particulars attendant thereon.

A.—The attendants were required to give baths to the new patients coming into the Asylum, and to change their clothes, and under these directions we proceeded to bathe the woman. New patients always object to being bathed. With some persuasion we succeeded at last in getting her ready for the bath. Miss Norris and myself were the only two present. We placed her in the bath tub with a good deal of effort, and bathed her. Directly after taking her out of the bath she began to show symptoms of something being the matter with her. We, not being acquainted with the patient, went for the Doctor. During that time we put her to bed, and she gradually sank away, and died before the Doctor saw her.

Q.—What length of time expired after she was taken out of the bath tub before she died ?

A.—About half an hour, I should think.

Q.—How long after she was taken out of the bath tub was it before you sent for Dr. Thorndike ?

A.—About ten minutes.

Q.—How long had she been dead before he came to see her ?

A.—I could not tell.

Q.—What kind of bath did you administer to her ?

A.—Cold water bath.

Q.—Did you have to use any force in placing her in the bath ?

A.—We did.

Q.—What, if any, resistance did she make after she had been placed in the bath tub ?

A.—She exhibited a great deal of strength and opposition.

Q.—What means did you use to keep her in the bath tub ?

A.—Our hands.

Q.—Did she make any screams ?

A.—No, sir.

Q.—Did you place her head under the water, and if so, for what length of time ?

A.—Her kicking round in the water would place her head under the water, but it would come right up again.

Q.—Did she become calm and quiet while she was in the bath tub ?

A.—Yes, sir.

Q.—About how long after you first put her in did that happen ?

A.—Ten minutes.

Q.—How long did you keep her in the bath tub after that ?

A.—We took her out immediately.

Q.—Had you used any means of cleansing her before you took her out—sponge, or brushes, or anything ?

A.—Yes, Sir; washed her with a cloth.

Q.—Did you do that before or after she was quiet ?

A.—We were doing this while we were trying to keep her in the bath tub ?

Q.—Why did you take her out as soon as she became quiet ?

A.—We had finished bathing her.

Q.—Could she walk to the bed, or did you have to carry her ?

A.—We had to carry her.

Q.—Did she or could she speak, after she came out of the bath tub ?

A.—I never heard her speak at any time.

Q.—Did she or could she breathe, after she came out of the bath tub ?

A.—Yes, Sir.

Q.—How long a time did she breathe after she came out of the bath ?

A.—I should think about fifteen or twenty minutes. I can't tell exactly.

Q.—By whom did you send for the Doctor ?

A.—Miss Norris went for the Doctor.

Q.—What treatment did he give the patient after he came ?

A.—I don't know.

Q.—Were you not present when the Doctor came to see the patient ?

A.—Yes, Sir.

Q.—Did he do anything, or was anything done that you saw, to restore the patient ?

A.—There was not to my knowledge. I was there when the Doctor came, but not there all the time that the Doctor was there.

Q.—About how long did you remain there after the Doctor came ?

A.—I do not know exactly; about five minutes.

Q.—About how long was it before you returned to the room ?

A.—I don't know that, Sir.

Q.—Was the Doctor there when you returned ?

A.—I don't remember that, even.

Q.—What had been done to the patient, or what was being done when you returned?

A.—They were preparing to lay her out.

Q.—Can't you recollect about how long after Miss Norris went for Doctor Thorndike before he came to see the patient?

A.—No, Sir.

Q.—Are you certain that it was not until after she was dead?

A.—No, Sir, I am not.

Q.—What is your best impression of it now?

A.—I would not like to say, because it is something that has passed from my mind entirely.

Q.—What was your name at the time you were at the Asylum?

A.—Mrs. Fanny E. Levison?

Q.—Do you know where Miss Norris is now?

A.—I do not know.

Q.—Can you state the names of any other persons who know anything about the death of this woman?

A.—Miss Sarah Humphries, at the Asylum at Stockton.

Q.—Does Mrs. Davis know anything about it?

A.—She does, only from hearsay.

Q.—How long after this woman was taken out of the bath tub was it before Mrs. Davis was informed of it?

A.—I did not go to inform her, and consequently do not know how long it was before she was informed.

Q.—Where was Mrs. Davis at the time this matter happened?

A.—I do not know; some place in the building.

Q.—Who gave the order for the bath?

A.—The rules of the institution, made by Doctor Tilden, gave the order.

Q.—Do the rules specify the kind of bath, or is it left for the attendants to decide?

A.—It is left to the judgment of the attendants; sometimes directions were given, but not very often.

Q.—When directions were given, by whom were they given?

A.—Doctor Tilden.

Q.—Where was Doctor Tilden at the time this bath was given?

A.—I believe at the East.

Q.—Where was Doctor Clark at the time?

A.—I don't know; in town, I suppose.

Q.—Who was the Matron at that time?

A.—Mrs. Davis.

Q.—Were those rules imperative in all cases, without regard to the condition of the patient?

A.—Yes; the rules were imperative, without regard to the condition of the patient, and must be obeyed.

Q.—What kind of baths were most usually administered to patients?

A.—Cold baths.

Q.—Can you state whether the Physicians and Matron knew what kind of baths were usually given to the patients?

A.—I don't know; but those were the rules.

Q.—For what reason did you think that this woman ought to have a cold bath?

A.—No reason; because we were in the habit of giving that kind.

Q.—Was it, or was it not, in consequence of some direction that you had, that you usually gave cold baths?

A.—It was not; but it was because there was no warm water to give warm baths.

Q.—Did you give the bath to the woman on the day or day after she came there?

A.—The day after.

Q.—About what time in the day was it when she first came there?

A.—About two or three o'clock.

Q.—About what time in the day was it when you gave her the bath?

A.—Between eleven and twelve—about twelve o'clock.

Q.—How many times a day, and at what hours do the physicians visit the female department?

A.—At ten in the morning and about seven in the evening.

Q.—Can you state whether either of the physicians saw this woman before she had a bath?

A.—They could have seen her at seven o'clock in the evening and at ten o'clock in the morning; but do not know whether they gave her any particular attention or not. At any rate, they gave no directions concerning her. When patients are very sick they notice them; if they are not very sick they do not notice them unless attention is called to them.

Q.—Can you state the general physical condition of the woman at the time of the bath?

A.—I cannot.

Q.—Was she a stout, hearty looking woman, or was she emaciated?

A.—She looked thin, but she did not look sick.

Q.—Do you know that she had a young child that had not been weaned?

A.—I did not know so of my own knowledge, but was told so, and I should judge from the swollen condition of her breasts that such was the fact.

Q.—I will ask you if the water from the faucet was let on to this woman?

A.—It was not; neither was any poured on her, nor did she have a shower bath.

Q.—How often during the week was the clothing of the patients changed?

A.—Twice a week.

Q.—How often was the bedding changed during the week?

A.—When they are sick they are changed every day; when they are well, once a week; the same with their clothes.

Q.—Do they use sheets and pillow cases on their beds?

A.—They do with those that are cleanly; but those that are not, they use blankets.

Q.—If those six women had been shut up and confined in the wood house while you were there, would you not have been likely to know it?

A.—I should.

Q.—If they were confined there, by whose authority would it have been done?

A.—I should suppose by the attendants of the ward, but not without the direction of the Superintendent; but it was the duty of the Matron to see that the patients were properly treated.

Q.—When the patients became noisy, and incapable of management and control, what means are generally used to quiet them?

A.—It is medicine sometimes, but when they are so unruly that the medicine can't be given them, they are placed in straight jackets.

Q.—When you sent after the Doctor to see this woman, was he prompt in coming, or was it some time before he did come?

A.—Some little time before he came.

### TESTIMONY OF GODFREY SCHMEIZER.

G. Schmeizer, sworn :

JANUARY 31st, 1866.

Q.—State whether you were ever employed at the State Insane Asylum, and if so, for what length of time?

A.—I was employed from June second, eighteen hundred and sixty-one, till May first, eighteen hundred and sixty-five.

Q.—State if you know anything about some female patients being confined in the wood house, and if so, about what time, and how many, and all about it, as nearly as you can recollect?

A.—I was directed by Mr. Arents, the Steward, to lay some water pipes in the female cell yard; the exact time I do not remember; I think it was in September, eighteen hundred and sixty-four. I had an assistant with me to dig the trench for the pipes. After the trench was dug and I had taken the measure of the pipe, we put the tools—pick and shovel—into the wood house, I thought out of the way of the patients. After the opening of the door by Mr. Houston, he called my attention to some women being in the wood house. I looked in and counted five, among them some of the worst patients; I mean by that some of the most violent that were in the cells in the yard. After coming out I met Mr. Arents and told him of it. I had, previous to that, on several occasions, found one or two in the wood house, and never said anything about it.

Q.—Can you state about what time in the morning it was when you first saw them, and how long they remained there afterwards?

A.—It was about nine o'clock in the morning. I was there at ten. I had no occasion to know if they were there afterwards.

Q.—What was the condition of the weather at that time?

A.—It was warm.

Q.—Was there anything in that wood house with which they could have injured themselves? if so, state what it was.

A.—There was some split stove wood; I don't recollect how much there was.

### TESTIMONY OF MORRIS SIFERT.

M. Sifert, sworn :

JANUARY 31st, 1866.

Q.—Did you ever occupy any position in the Insane Asylum, and if so, what was it, and for what length of time, and in what capacity?

A.—I was assistant in the fourth ward. I commenced the second of May, eighteen hundred and sixty-five, the next day after the Board of

Directors took possession of the Asylum. I worked about three weeks in the fourth ward, and I believe about two weeks in the dining room, waiting on the table.

Q.—What, if any, mistreatment did you see given to any of the patients while you were there?

A.—I have seen my assistant attendant, Mr. Weaver, strike the patients. I have seen him knock two of them down, but they were very strong, and he could not get along without it. He did not knock them down with his fist, or anything else, but took them round the neck, threw them down on the floor and put his knee on their throats, so as to shut the wind off and make them weak. There was a Chinaman there who was sick and was in the habit of taking off his pants, and Weaver punished him for it, and told him he must not do it any more; but he would still do it, and Weaver put him in a room where he could not get out, and put some leather gloves on, and confined his arms so as to prevent him from getting his pantaloons off, but he succeeded in getting them unbuttoned, and got his pantaloons partly off. Weaver then abused him and treated him very badly, I thought, and strapped him down on the bed. The Chinaman was very sick, and I asked Weaver to let me bring him something to eat from the dining room, which he refused, and I could not bring it without his orders, because he was my boss. About a week after that I saw them carrying the Chinaman on a plank into the dead house, and he was dead.

### TESTIMONY OF GEORGE H. DRAKE.

FEBRUARY 5th, 1866.

G. H. Drake, sworn :

Q.—Did you ever hold any position in the State Insane Asylum at Stockton, and if so, for what length of time?

A.—I was employed by Doctor Tilden on the first of March, eighteen hundred and sixty-four, as assistant in the fourth ward, till some time in December, same year.

Q.—Who was employed with you as an assistant in that ward?

A.—I was under John Doran.

Q.—Were you employed in any other ward beside that, if so, what one?

A.—Yes, Sir, the second ward, under a man by the name of Beaty.

Q.—How long did you remain in that ward?

A.—I was there till the sixteenth of June, eighteen hundred and sixty-five.

Q.—Did you know a man by the name of Knapp?

A.—I did.

Q.—What position did he occupy there?

A.—He was an assistant under me from May first, eighteen hundred and sixty-five, till about the eighth or ninth of June, eighteen hundred and sixty-five.

Q.—Did you know a patient there by the name of Lilly?

A.—I did.

Q.—At what time did you first become acquainted with him?

A.—The tenth or eleventh of May, eighteen hundred and sixty-five; somewhere about that time, I believe.

Q.—Where did you first become acquainted with him?

A.—The first time I became acquainted with him was when I was sent up into the first ward after him, to take him to the second ward—about the eleventh, twelfth, or thirteenth of May, eighteen hundred and sixty-five.

Q.—What was his condition at that time?

A.—He was pretty bad at that time, because he had straps on him when I went up after him.

Q.—What did you do with him when you got him down into the second ward?

A.—As soon as I got him into the second ward, I put him into a cell.

Q.—What was his physical condition at that time?

A.—He was very strong.

Q.—What did you do with him after you got him into the cell?

A.—I left him there for that night.

Q.—How long did you leave him there in that condition?

A.—Till half-past four o'clock the next morning.

Q.—In what condition was he when you put him there?

A.—He had straps on his wrist, and a strap round his waist to keep his hands in one position.

Q.—What was his condition through the night?

A.—He was very noisy during the night.

Q.—What did you do with him during the night?

A.—I went to him and gave him a dose of medicine between twelve and one o'clock during the night.

Q.—What kind of medicine did you give him?

A.—It is what is called "Hyoseyamus."

Q.—Who directed you to give him that medicine?

A.—It was medicine that we had there that was directed by the Doctor to give the patients during the night when they were noisy.

Q.—What else did you do to him besides that?

A.—In about three quarters of an hour after that he began to bang on the door. I went down to see what was the matter. He had the bedstead up on end against the door, shoving it back and forth against the door. I tried to open the door, but could not, because he had the bedstead against the door. I went back to my room and got this man by the name of Knapp to come and help me open the door. After I had got the man Knapp up, we went back and bursted the door open. After we forced the door open I went into the room where this man Lilly was. The bed was standing up. I put it down in its proper position, made the bed up, and put Lilly on it. He began to rave so at that time that I sent Knapp back to the room for the straps; told him we would have to strap him to the bed, and we strapped him to the bed; came out, locked the door, and left him there till morning, the time for getting up.

Q.—What did you do with him the next morning?

A.—The next morning, when it was time for him to get up, went down and unlocked his door, released him, dressed him, and sat him down by the stove in the hall.

Q.—What was his physical condition at that time?

A.—He was stupid; would not eat anything, and said he was going to starve himself to death.

Q.—You say that he was very stout and strong the night before?

A.—Yes, sir, he was; it took two of us to bring him down.

Q.—How came you to testify before the Coroner's jury, that when he was taken from the first ward, on the evening of the third of May last: "He had straps on him at the time, and was very weak; needed assistance to walk down. When I went to the first ward I found him on the bed strapped; he was not ugly, and showed no resistance?"

A.—That which I swore to, as reported in the published testimony, before the Coroner's inquest, is correct.

Q.—After you got into the room, what means did you use toward Lilly to quiet him?

A.—After I got into the room I sent Knapp back for the straps to strap him to the bed. We used no other means to quiet him. We gave him medicine long before that for that purpose.

Q.—Did you not kick him?

A.—No, sir.

Q.—Did you not stamp on his breast?

A.—No, sir.

Q.—Did you use any violence at all on him?

A.—No, sir, no such violence as stamping him, kicking him, or anything like that.

Q.—What kind of violence did you use, then?

A.—As for kicking him, stamping him, or anything of that kind, it was not done that night. Knapp held his feet, while I put the straps on his hands.

Q.—When was it done?

A.—As for kicking him or stamping him, it was not done in my presence nor while I was there.

Q.—Who jumped on him with his knees?

A.—It is more than I know.

Q.—Who broke his ribs and collar bone?

A.—It was said that I did it; but I don't know who did.

Q.—Did you not do it?

A.—No, sir.

Q.—You are sure of that?

A.—Yes, sir.

Q.—Do you know a man by the name of Sylvester Marshall?

A.—Yes, sir.

Q.—Was he under your charge while he was there?

A.—Yes, sir; he was brought to the cell while I was there.

Q.—How far off was Marshall's from Lilly's cell at that time?

A.—He was not in the cells at that time.

Q.—When did Marshall come down into the cells?

A.—He was brought down some time in May; I think it was about the middle or last. It was in the night when he was brought down.

Q.—What did you do with him when he was brought down?

A.—The time he was brought down, he was brought down by the watchman of the asylum, the assistant of the fifth ward, and another man; three men brought him down. After they brought him into the cells, I took him and put him into a cell, locked the door, came away, and left him in the cell.

Q.—Did you not handcuff him?

A.—No, Sir; strapped him—put the straps on him.

Q.—Did you ever handcuff him?

A.—Handcuffed him once, I believe.

Q.—When was that?

A.—It was when he had been in the ward three or four days. I took the straps off to try him, to see how he would behave. He had the straps off about one half of an hour, or three quarters. He went down into the bath room, came up with a mop handle, and swore he would kill me. He came after me; I was in the ward all alone at that time; it was in the morning. He came after me; I ran around the stove, and he came after me with the mop handle. I went down towards the bath room; he came into the bath room where I was, with the mop handle. I ran at him then; knocked both feet from under him, clinched him, and threw him down. We had a scuffle there for about ten minutes; first one under, then the other; we had a rough-and-tumble there, and I got the best of him; I had to get the best of him. I let him up after I got the best of him. He promised to behave himself after I got the best of him, and I let him up. I took him up to the room then, and put the handcuffs on him; kept the handcuffs on him till I went up to the first ward and borrowed a pair of straps; came back again, took the handcuffs off him, and put the straps on him.

Q.—Who helped you put the handcuffs on him?

A.—No one; I put them on alone; he showed no resistance, and I put them on.

Q.—Did you not put them on behind his back?

A.—I did, till I went up after the straps.

Q.—What else did you do to him about the same time?

A.—Nothing; but let him walk round the hall.

Q.—Did you not jerk him down on the floor while he had the irons on, and kick him?

A.—No, Sir.

Q.—At what time did you kick him?

A.—When we had the scuffle in the bath room.

Q.—How many times did you kick him?

A.—Two or three times.

Q.—Whereabouts did you kick him?

A.—In the stern.

Q.—How did he get his ribs broken?

A.—I did not know that he had his ribs broken.

Q.—How did he get his breast bone broken?

A.—I could not tell.

Q.—Did you not have the entire charge of him while he was in the second ward.

A.—Yes, sir, while I was in the ward.

Q.—Are you sure he did not have the handcuffs on him at the time you kicked him?

A.—Yes, sir; he had nothing on his hands at all, he had the free use of them.

Q.—How long did you leave those handcuffs on him before you took them off?

A.—About ten minutes, or twelve—not over fifteen.

Q.—What did you do with him after you took the handcuffs off?

A.—Put the straps on him.

Q.—Who assisted you in putting them on?

A.—A man by the name of Jackson.

Q.—Who was he?

A.—A patient.

Q.—Did he make any resistance?

A.—Yes, sir.

Q.—Did you put the straps on before or after you took the handcuffs off?

A.—Put the straps on after I took the handcuffs off.

Q.—How large a man was Marshall?

A.—A man about six feet high, and would weigh about two hundred pounds—a very stout man.

Q.—How large a man was Jackson?

A.—A man about five feet high, and would weigh about one hundred and fifty-eight or one hundred and sixty pounds.

Q.—What was your size and weight at that time?

A.—About five feet four or five inches, and weight about one hundred and fifty-three or one hundred and fifty-four pounds; not over one hundred and fifty-four.

Q.—Was the patient of the name of Jackson you speak of a negro man?

A.—Yes, sir.

Q.—You say that the next morning when you took Lilly out of the cell he was stupid and wanted to starve himself to death; what reason did he give you that he wanted to starve himself to death?

A.—He said he had rather be dead than staying in such a place as that.

Q.—What did you say to him then?

A.—I told him that if he undertook to starve himself the Doctor would force him to eat.

Q.—What did you do with him then?

A.—I took him and put him into a cell.

Q.—How long did you keep him there?

A.—About ten or fifteen minutes.

Q.—What did you do with him after that?

A.—Let him out and sat him by the stove again.

Q.—What did you do with him after that?

A.—Did not do anything with him; let him sit there.

Q.—How long did he stay on that bench after that?

A.—The biggest part of the day.

Q.—What became of him after that?

A.—He was around in the ward with the rest of the patients.

Q.—Who fed him during this time?

A.—Sometimes I fed him, and sometimes Knapp—he was the one that always fed the patients that had straps on.

Q.—Was Lilly strapped all this time?

A.—No, sir.

Q.—What is the reason you do not know who fed him, then?

A.—He fed himself.

Q.—How long after you took him out of the room where he had been strapped and sat him down by the stove was it before he died?

A.—It was eight or nine days—it might be ten.

Q.—How long after that was it before you had to put him to bed, sick?

A.—About four or five days.

Q.—Were you present when he died?

A.—No, sir.

Q.—How many times did you see him after he was confined to his sick bed?

A.—Every day, five or six times.

Q.—Do you know what was the matter with him while sick?



- A.—No, sir; a disease of the heart, I think.  
 Q.—What induced you to think he had a disease of the heart?  
 A.—I heard it in the first ward.  
 Q.—How many times did the Doctor come to see him while he was in your ward?  
 A.—Morning and evening; sometimes in the afternoon.  
 Q.—What did the Doctor do for Lilly when he came round?  
 A.—He did not do anything only look at him.  
 Q.—How did he look at him?  
 A.—By going into the room where he was and feeling of his pulse.  
 Q.—Did he leave any prescription for him?  
 A.—None that I know of; I could not say that he did or did not.  
 Q.—Was it not your business to know whether he did or did not?  
 A.—Yes, sir; it was.  
 Q.—Who was the Doctor?  
 A.—Doctors Clark and Thorndike.  
 Q.—I asked you who broke Lilly's ribs and collar bone, and you answered "that it was said that you did it." Why was it said so?  
 A.—It was more than I could find out, and never have till this day.  
 Q.—Who was it said so?  
 A.—The first I knew of it, it was in the *Spirit of the Times*, a newspaper; and Knapp said so.  
 Q.—You say that in a scuffle with Marshall in the bath room you were "both down, and first one and then the other on top, and that was the time you kicked him in the stern." Will you explain to the committee how, in a scuffle of that kind, you could kick him in the stern?  
 A.—Him and me were first down; I took him and choked him—choked him till he said he would behave himself. He then set up on the floor, and I kicked him in the stern two or three times, and told him to get up; that was when the kicking was done.  
 Q.—You choked him, then, till he ceased to resist?  
 A.—I choked him till he said he would behave himself.  
 Q.—You say that it was after that he said he would behave himself and made no further resistance that you kicked him?  
 A.—He said he would behave himself, and he set up on the floor; I gave him two or three taps with my boot and told him to get up.

### DOCTOR J. F. MORSE, RECALLED.

FEBRUARY 5th, 1866.

- Q.—It is stated that for three, four, five, or six months previous to the election that you had promised Doctor Tilden that you would not meet with the Board of Directors of the Asylum for the purpose of electing a Resident Physician; if so, state the reason why.  
 A.—No; but I had stated the fact to Doctor Tilden that Doctor Whitney and myself had determined not to meet in Joint Convention unless compelled to do so by law.  
 Q.—You and Doctor Whitney, as Medical Visitors, are sworn officers of the law, are you not?  
 A.—Yes, Sir.

Q.—Did you not consider it one of your duties, under the oath of your office, to meet with the Board of Directors at the time prescribed by law for the purpose of electing a Resident Physician?

- A.—Yes, Sir.  
 Q.—Will you then please state how you reconciled the determination you came to, not to meet them, with your duties as an officer of that institution?  
 A.—Our reasons are substantially stated in our report.  
 Q.—Are there any reasons not set forth in that report which induced you to come to that determination?

A.—Yes, Sir.  
 Q.—State as briefly as you can the most important of those reasons.  
 A.—First: As soon as we perceived the intention of the Board of Directors, notwithstanding their desiring that we should consult and advise with them as to the best disposition to make of Asylum affairs, they entirely ignored our advice, and, as we believed from good authority, violated the clearest verbal pledges made to the Legislature at the time that the interests of the Asylum were pending there, and that the law was passed providing money for Asylum purposes; that in the interval that they had thus violated their proper relations to the State. We were confirmed in this impression by the most positive corroborating language of Governor Low, Senator Cunningham, Senator Moyle, and other legislators at the time, among them our colleague Dr. Hubbard, that it was a most injudicious and ruinous violation of their pledge on the part of the Commissioners, and that steps should be taken to arrest the progress of such things by an injunction.

Q.—You state that the Directors ignored your advice, and that of your colleagues, as Medical Visitors; will you please state the nature of the advice given by you which was ignored by the Board of Directors?

- A.—That is entirely stated in our report.  
 Q.—How long have you been one of the Medical Visitors?  
 A.—About four years.  
 Q.—During that time, about how many times have you visited the Asylum at Stockton?  
 A.—Semi-annually, with the exception of April, eighteen hundred and sixty-five.

Q.—How long have you been practicing your profession?  
 A.—Twenty-four years, I think, Sir.  
 Q.—State your opinion as to the adaptation of Stockton for an Insane Asylum, and your reasons therefor, as briefly as you can.

A.—I think it is badly adapted; first, because of its topography—low, flat and muddy; second, because of its malarial relations; third, its relations to extensive sloughs and tule flats; the natural lack of scenery universally sought in sites for an Asylum; the great expense to procure very imperfect drainage, an indispensable element in the sanitary relations of such an institution; its liability to inundation; its exposure to insects—mosquitoes especially; its inaccessibility, and its exposure to an enervating atmosphere. For these reasons we consider that all the demands of health in the process of recuperating from diseases, whether mental or physical, are most imperfectly responded to in a climate of that character or a position of that kind.



In answer to the declaration of Doctor Tilden, in his examination under oath before the Legislative Committee, that at the time he took charge of the Asylum for the Insane at Stockton, it was "a simple prison house, without curative appliances; that it was without organization so far as was necessary in the adoption of by-laws for the government of the Board of Trustees and of the institution, and without rules and regulations defining the duties of the attendants and assistants, or employes," we first beg leave to refer the committee to the report for the year eighteen hundred and sixty of Doctor Aylett, Doctor Tilden's predecessor in office, found in the "Appendix to Assembly Journals, twelfth session." It is there shown that of ten hundred and sixteen cases treated by Doctor Aylett, from August first, eighteen hundred and fifty-seven, to December first, eighteen hundred and sixty, four hundred and eleven were discharged—an average of over forty per cent of those treated.

In that report, Doctor Aylett says:

"It will be seen that the average increase of patients for the last year is less than that of the year preceding, being only forty-seven, against ninety-seven. It will be observed, also, that during the year just completed, fewer patients have been admitted, while more have been discharged, making a gain in the cures effected of about ten per cent. This happy result is, in part, to be attributed to the better quality and greater quantity of fruits and vegetables with which we have been supplied from the grounds of the Asylum, as well as to the increased opportunity for exercise and amusement that have been afforded the patients. It is asserted that mental alienation always springs from physical disorder; that there is no such thing as an insane mind in a sound body. Be this as it may, it is certain that a very large proportion of the inmates of a lunatic asylum are the obvious subjects of physical disease. The hospital character of the institution being considered, we have great reason to congratulate ourselves upon the unexampled health we have enjoyed. Much of this is to be ascribed to the unparalleled salubrity of the locality we occupy, which is blessed with a climate unsurpassed even in California."

He further says in that report:

"Increased experience confirms my former estimate of the value of occupation as a remedial measure in cases of mental derangement. Of the different modes of occupying the mind, none, I am satisfied, is so soothing as constant attention to some suitable employment. It is less exciting than games of skill or chance, and it can be used to a much greater extent. Work in the open air is infinitely preferable to that in shops or rooms, and I am careful to have every patient whose condition will justify it, employed in the cultivation and improvement of the grounds whenever the weather permits. This our fine climate enables me to do about nine months in the year."

We would also present the following affidavit of William Gravatt, Steward under Doctor Aylett, in answer to the foregoing charges of Doctor Tilden, and also in reference to the cesspools, which Doctor Tilden says were subject to overflow, and emitted a horrible and sickening stench:

# AFFIDAVIT OF WILLIAM GRAVATT.

William Gravatt, of lawful age, being duly sworn, deposes and says:

I was appointed by Doctor Aylett, Steward of the Insane Asylum of California, located at Stockton, I think in March or April, eighteen hundred and fifty-eight, and continued to fill that office until Doctor Tilden took charge, in April, eighteen hundred and sixty-one.

Soon after Doctor Aylett took charge, for purposes of drainage he constructed five large and deep cisterns or cesspools in the yards of the Asylum. They were dug down to water, and were bricked up from the hardpan and arched over. They were provided with small trap doors or covers at the top, capable of being removed for the purpose of cleaning them out if necessary; but we never found it necessary to remove these covers for that purpose. The whole of the structures thus made were covered with earth, concealing the trapdoors from observation and preventing the escape of effluvia. These cesspools answered the expectations of Doctor Aylett in the matter of drainage, and were not offensive by reason of noisome smells.

The rules and regulations shown me as referred to in the affidavit of Mr. William Stockwell, were in force during Doctor Aylett's term of office, and were strictly observed by the employes. Copies of the same were put up in the different wards of the institution, and a copy framed and hung up in the general office. To the best of my recollection some of these copies were exposed to view in different parts of the institution at the time Doctor Tilden took charge.

During Doctor Aylett's term of office rigid discipline was exercised in the institution—so the employes thought—and the patients were well cared for, and as far as I could observe well treated for purposes of comfort and cure.

W. GRAVATT.

Subscribed and sworn to before me, this twenty-fourth day of January, A. D. eighteen hundred and sixty-six.

H. B. UNDERHILL,  
County Judge of San Joaquin County.

[Internal revenue stamp, cancelled.]

Also, the affidavit of B. W. Bours, President of the Board of Trustees during most of Doctor Aylett's administration, and a part of Doctor Tilden's.

# AFFIDAVIT OF B. W. BOURS.

B. W. Bours, being duly sworn, deposes and says:

I was elected a Trustee of the Insane Asylum of California in Doctor Aylett's term, in the first instance to fill a vacancy occasioned, according to the best of my recollection, by the resignation of Captain Connor, now General Connor. I was afterwards—still during Doctor Aylett's administration as Resident Physician—elected Trustee by the State Legislature, and held that office until about one year after Doctor Tilden was elected as Resident Physician. At the first meeting of the Board that I attended I was elected President of the Board, and acted in that capacity during all the time that I was a member of the Board.

As to the rules and regulations shown me as those referred to in the affidavit of Mr. William Stockwell and others, I would say that when I entered upon my duties as Trustee they were framed and hanging up in the vestibule of the main building, or perhaps in the office; and to the best of my recollection they were there when I went out of office, during Doctor Tilden's term. I saw them at different times hanging up in the different wards of the institution.

I visited the different apartments and wards regularly during Doctor Aylett's administration, after I came into the office, for the purpose of observing the condition of the wards and the patients, and invariably found them clean and tidy, and the patients apparently well cared for and well treated. I know of no cases of maltreatment of patients during that time, except in one instance, which I will briefly narrate.

One Thomas Murray, gardener for the institution, struck, as was proved by reliable testimony, one of the patients at work with him. Such conduct was strictly forbidden by Doctor Aylett, and he promptly discharged the offender. The case was reported to the Board, and they as promptly approved the discharge.

I will state further in this connection, that one of the first acts of Doctor Tilden when he came into office was to reappoint this same Murray to his former office. When reported to them the Board refused to confirm the appointment, it being an understanding with the Board that no person should be restored to office who had been discharged for abuse of patients. Notwithstanding this action of the Board, Doctor Tilden still retained Murray and sent in his bill for salary with those of the other attachés at the next meeting of the Board. The Board refused to allow the bill. At the next meeting it was sent in again. The Board then informed Doctor Tilden that they considered his course in this matter an insult to the Board; that one of their powers was to discharge a refractory physician, and that if he gave us occasion we should certainly exercise that power.

He still retained Murray for a time, but finally, as I have been told, quarreled with him himself and discharged him.

With regard to the cesspools in the yards of the Asylum, I would say that they never did overflow or occasion any inconvenience, to my knowledge, by reason of offensive effluvia while I was in office.

B. W. BOURS.

Subscribed and sworn to before me this twenty-sixth day of January, A. D. eighteen hundred and sixty-six.

H. B. UNDERHILL,  
County Judge of San Joaquin County.

[Internal revenue stamp, cancelled.]

We now present the following affidavits of employés of the institution as to the condition of the institution immediately before Doctor Tilden entered upon his duties as Resident Physician, as to rules and regulations, the condition of the institution and the patients on the eighteenth of April, eighteen hundred and sixty-five, and the condition of things on the first of May following, when the Board took possession. Also as to the manner in which Doctor Tilden performed his duties as Resident Physician.

# AFFIDAVIT OF WILLIAM STOCKWELL.

William Stockwell, of lawful age, being duly sworn, deposes and says:

I am the attendant in the first ward of the Asylum. I came into the institution in Doctor Aylett's time; was there a year and three or four months under him, and remained in the institution as an attendant until I was discharged by Doctor Tilden, on or about the eighteenth of April, eighteen hundred and sixty-five. I was restored to my place on the first of May following.

When I entered the institution I found the copy of the rules and regulations of the institution hereto attached pasted on the inside of the door to a small cupboard or closet in the room assigned to me. The closet was used chiefly to keep medicine in for the patients. The door of the closet was usually open, exposing the rules and regulations to the view of any one who might come into the room. Doctor Tilden was in my room a number of times, and could have seen the document. I can't say whether he ever read it or not. The rules were in force at the time he took charge of the institution, and were strictly observed. Doctor Aylett was very rigid with the employés in requiring them to perform their duties well, and in being prompt in the matter of time. In respect to time I think he was more rigid than Doctor Tilden.

When I was discharged, on the eighteenth of April, eighteen hundred and sixty-five, the patients in my ward were all clean and tidy; when I returned, on the first of May following, many of them were filthy and lousy. For purposes of examination or treatment of patients, for at least four months before my discharge in April, eighteen hundred and sixty-five, Doctor Tilden did not visit my ward as often as once a month.

WILLIAM STOCKWELL.

Subscribed and sworn to before me, this twenty-fifth day of January, A. D. eighteen hundred and sixty-six.

H. B. UNDERHILL,  
County Judge of San Joaquin County.

[Internal revenue stamps, cancelled.]

## RULES AND REGULATIONS FOR THE GOVERNMENT OF THE STATE INSANE ASYLUM.

**RULE FIRST**—It shall be the duty of the Steward to attend to receiving all supplies, and to keep a correct account of the same; and to exercise a general superintendence over the culinary department, dining and store rooms, and shall act entirely under the instructions of the Superintendent.

**RULE SECOND**—The Matron shall have control over the female ward, and shall make a daily report to the physicians in regard to the condition of the patients under her charge.

**RULE THIRD**—The Clerk shall keep a careful record of the arrival, death, and discharge of patients; he shall also attend to the general correspondence, and keep what should properly constitute the records of the institution, and shall not leave the premises without the permission of the Resident Physician.

**RULE FOURTH**—Principal keepers shall have control over their respective wards, and shall act under the instructions of the physicians only, to whom they shall make a daily report in regard to the condition of their respective patients.

**RULE FIFTH**—Assistant keepers shall be under the control of the principal keepers of the wards in which they are employed.

**RULE SIXTH**—Keepers of female wards shall be under the control of the Matron.

**RULE SEVENTH**—No keeper will be permitted to leave the institution without permission from one of the physicians.

**RULE EIGHTH**—It shall be the duty of the watchman to go on duty at dark every evening, and remain until daylight, and to make hourly rounds through the Asylum.

**RULE NINTH**—Keepers will not be permitted to interfere with the duties of each other.

#### AFFIDAVIT OF M. A. WEAVER.

M. A. Weaver, of lawful age, being duly sworn, deposes and says:

I was appointed assistant in the fourth ward, by Dr. Tilden, in October or November, eighteen hundred and sixty-one. I was acting in that capacity there on the eighteenth of April, eighteen hundred and sixty-five, when I was discharged by Doctor Tilden. This is the ward where the Chinamen and negroes are kept. There were about sixty patients in the ward when I left. They were all clean and tidy, with the exception of four or five. In combing the heads of these four or five, prior to my discharge, I would sometimes find a few lice, and sometimes I would find none. I returned to the same ward on the first of May, eighteen hundred and sixty-five. There were about the same number of patients there, and out of the whole number there were not more than eight or ten who were not lousy—a portion of them on their bodies as well as on their heads. The ward was generally dirty, and everything looked neglected.

M. A. WEAVER.

Subscribed and sworn to before me, this twenty-fifth day of January, A. D. eighteen hundred and sixty-six.

H. B. UNDERHILL,  
County Judge of San Joaquin County.

#### AFFIDAVIT OF ALFRED TAYLOR.

Alfred Taylor, being duly sworn, deposes and says:

In April, eighteen hundred and sixty-three, I was appointed, by Doctor Tilden, assistant in the fifth ward. About June, eighteen hundred and sixty-four, I was removed outside, and was engaged in making bricks for about a month, and was otherwise employed about the institution till November, eighteen hundred and sixty-four, when I was placed as attendant in the seventh ward. From that time till I was discharged, on or about the eighteenth of April, eighteen hundred and sixty-five,

Doctor Tilden never visited my ward but once, and then he passed through with a visitor, without examining or prescribing for the patients, or giving any attention to their rooms.

ALFRED TAYLOR.

Subscribed and sworn to before me, this twenty-fifth day of January A. D. eighteen hundred and sixty-six.

H. B. UNDERHILL,  
County Judge of San Joaquin County

[Internal revenue stamp, cancelled.]

In regard to the foregoing affidavit we would say, that this ward is an outside building, requiring to be visited only to see that the rooms and beds were properly taken care of. Patients under treatment are not generally kept here.

#### AFFIDAVIT OF JOHN MORRISSEY

John Morrissey, of lawful age, being duly sworn, deposes and says:

I came to the Insane Asylum of California, located at Stockton, in January or February, eighteen hundred and sixty, during Doctor Aylett's administration as Resident Physician; was employed by him as outside hand.

I was here when Dr. W. P. Tilden took charge, and was retained by him as outside attendant, afterwards as Supervisor, until I was discharged by him on or about the eighteenth of April, eighteen hundred and sixty-five; I was informed, and believe, that my discharge was not approved by the Board of Directors. On the first of May, eighteen hundred and sixty-five, I was restored to my place in the institution by the Board of Directors.

There were rules and regulations for the government of the institution in existence when I came here in eighteen hundred and sixty; they were printed, and, to the best of my recollection, were stuck up in sight of the officers and employes in different places about the institution; I have often seen the copy that was pasted on a closet door in Mr. William Stockwell's room from the time I came here till it was taken down on the twenty-third of January, eighteen hundred and sixty-six; it was in plain sight on the inside of the closet door, which was usually open when I went into the room. I am quite sure that at the time Doctor Tilden took charge of the Asylum, and for some time after, a copy of these rules and regulations was stuck up in or about the general office. The rules and regulations were in force during Doctor Aylett's time, and we were governed by them; we were required to observe them strictly, and the discipline was rigid at that time.

The patients were well taken care of during the time that I was here under Doctor Aylett, though their treatment was, in some respects, more severe than after Doctor Tilden took charge.

For several months before I was discharged Doctor Tilden gave very little attention to the patients; I heard him say on one occasion that Doctor Clark was the man to attend to the patients, that he had enough to do without attending to the patients medically. When asked by me whether I should discharge a patient whom I considered cured, he told me he didn't know whether he was fit to be discharged or not as he had

not been through the institution for six weeks. Doctor Tilden told me not to let Mr. Winslow have any patients to work on the new building. At the time that I was discharged by Doctor Tilden, with so many others of the employés, the patients were in as good condition as I ever knew them to be—clean and tidy; when we came back on the first of May many of them were filthy and lousy.

JOHN MORRISSEY.

Subscribed and sworn to before me, this twenty-fifth day of January, A. D. eighteen hundred and sixty-six.

H. B. UNDERHILL,  
County Judge of San Joaquin County.

[Internal revenue stamp, cancelled.]

#### AFFIDAVIT OF CHARLES RUOFF.

Charles Ruoff, of lawful age, being duly sworn, deposes and says:

I came to the Insane Asylum as second cook, in June, eighteen hundred and sixty. Was appointed to that office by Doctor Aylett, and continued in the institution as an employé till I was discharged by Doctor Tilden, on or about the eighteenth of April, eighteen hundred and sixty-five. When Doctor Tilden came into the institution he appointed me assistant in the fourth ward. For about a year before my discharge, I held the office of attendant.

As to the cesspools in the yard, they never overflowed to my knowledge, nor emitted any effluvia.

There were rules and regulations in force in the institution during the time that I was there under Doctor Aylett. I saw a copy stuck up on a fence or partition on the left hand of the back entrance to the main building. I saw the copy in Mr. Stockwell's room. My duties confined me mostly to the kitchen at that time, and until Doctor Tilden came there.

For several months before I was discharged, in April, eighteen hundred and sixty-five, Doctor Tilden very seldom visited my ward. There was a period of two months when he was not there at all, and when he did come, he simply handed a letter to a patient, and left without examining or prescribing for any of the patients. When I left my ward on the eighteenth of April, eighteen hundred and sixty-five, it was in good condition; the patients were clean and tidy, and free from vermin. When I came back, on the first of May following, the ward had the appearance of being neglected; the floors were dirty, especially the hall floor. Such of the patients as were not able to take care of themselves, were filthy and lousy; quite a number were in that condition. The store room was in great disorder.

CHARLES RUOFF.

Subscribed and sworn to before me, this twenty-fifth day of January, eighteen hundred and sixty-six.

H. B. UNDERHILL,  
County Judge of San Joaquin County.

[Internal revenue stamps, cancelled.]

#### AFFIDAVIT OF EBEN. S. STEVENS.

Eben. S. Stevens, of lawful age, being duly sworn, deposes and says:

I entered the institution December first, eighteen hundred and sixty-four. Was appointed by Doctor Tilden assistant in the third ward. After about four months I was appointed attendant in the fifth ward, and filled that position until the eighteenth of April, eighteen hundred and sixty-five, when I was discharged by Doctor Tilden.

For several months before I was discharged, except for a few days towards the last of that time, Doctor Tilden did not visit my ward oftener than once or twice a month, and at such times merely passed through without examining or prescribing for the patients.

For the few days referred to, he visited the ward almost daily, about three or four o'clock in the afternoon, and prescribed freely for the patients, almost without examining them, and apparently without discrimination, sometimes changing the medicines that Doctor Clark had left in the morning, without seeing the patients whose medicines he thus changed, and without asking about their condition.

When I was discharged, everything was clean and tidy in my ward. I had six sick patients in the ward; they and their beds were clean and free from vermin; their persons had been washed and their beds changed every day. When I returned, on the second day of May following, I found all the sick patients lousy and filthy; their beds were wet, and the floor under their beds wet. The patients looked as though they had not been washed. It took me two or three weeks to get the patients free from lice and in as good condition as they were in before I left.

EBEN. S. STEVENS.

Subscribed and sworn to before me, this twenty-fifth day of January, A. D. eighteen hundred and sixty-six.

H. B. UNDERHILL,  
County Judge of San Joaquin County.

[Internal revenue stamps, cancelled.]

#### AFFIDAVIT OF GEORGE FOX.

George Fox, of lawful age, being duly sworn, deposes and says:

I entered the Insane Asylum of California, as employé, about the first of August, eighteen hundred and sixty-two, and remained till the eighteenth of April, eighteen hundred and sixty-five, when I was discharged by Doctor Tilden. I was the attendant in the third ward. Nearly all the experienced employés were discharged at that time, both male and female, and inexperienced persons put in their places. It always required particular attention on the part of the attendants and assistants to keep the wards free from vermin, as many of the patients admitted were infested with vermin and otherwise unclean. My ward was in excellent condition when I left, the persons of all the patients clean, and their clothes in good order. I was restored to my place on the first of May, eighteen hundred and sixty-five. When I came back more than half my patients were lousy and filthy, their clothes were torn, the clothes room out of order, and the whole concern looked more like a pig pen than

anything else. For the last four or five months before I was discharged by Doctor Tilden my ward was not visited by him for the purpose of prescribing for the patients oftener than once a month, with the exception of a few days before I was discharged. During that time Doctor Tilden went through every day and prescribed for the patients, to some who were considered before not to need any medicines; and he took particular pains to change the medicines prescribed by Doctor Clark, who visited my ward regularly twice a day, prescribing for the patients and giving especial attention to their condition.

The cesspools in the yards were in use when I entered the institution, and for about a year afterwards. They never overflowed to my knowledge, nor emitted any disagreeable odor. All but two of them were entirely covered and concealed from view. The trapdoors to two of them were accessible, and were opened to throw in slops from some of the wards. In my judgment they answered well the purpose for which they were designed. I resigned my position in the institution on or about the twenty-fifth of July last, to engage in other business.

GEORGE FOX.

Subscribed and sworn to before me, this thirtieth day of January, A. D. eighteen hundred and sixty-six.

H. B. UNDERHILL,  
County Judge of San Joaquin County.

[Internal revenue stamps, cancelled.]

With reference to the new building erected from the proceeds of the tax levied to raise a fund to be expended by the Board in the erection of additional buildings, yards, and other improvements, in addition to what we stated on that subject in our report to his Excellency, Governor Low, we would say, that before the ground was broken for the foundation of the new edifice contemplated, the Board became satisfied that the Legislature would not sustain them in an undertaking to erect so costly an edifice as the Iowa institution, the plan of which had been submitted by Doctor Tilden, and at his earnest solicitation adopted by the Board, estimated to cost when completed half a million of dollars. After a great deal of deliberation, the Board concluded to abandon this plan and adopt in lieu thereof a plan prepared in eighteen hundred and fifty-five under the direction of Doctor Luther V. Bell, of the McLean Asylum, Massachusetts, and presented to the Board by Mr. Henry Winslow, under whose supervision the Iowa institution was erected, and whom we had employed, on Doctor Tilden's recommendation, to superintend the erection of the new edifice here. The reasons for the adoption of this plan were, that it had all the essential advantages of the Iowa plan, but on a less expensive scale; that one wing could be erected and furnished from the proceeds of the Improvement Fund; that it would be a beautiful and complete edifice of itself, and would, in all probability, with the small building already erected out of the Improvement Fund, accommodate all the female patients when completed. Furthermore, that if the Legislature chose to carry out the plan and erect the entire structure, it could be done with much less cost than the Iowa plan would imply. We have never had occasion to regret the decision that we came to in this matter.

Dr. Tilden, however, was unwilling to abandon the Iowa plan, and as we found the Board were fixed in their determination and their purpose

could not be changed, he ceased to take any interest in the matter, and rendered the Board no further assistance.

More than that, we were led to believe, and did believe that he meant to throw obstacles in the way of the erection of the edifice decided upon; and as one means to that end we believe he meant to deplete, as far as was in his power, the fund provided for the "erection of additional buildings" before referred to. The grounds on which we came to this conclusion were in part as follows:

He proceeded, without previous consultation with the Board, to erect a building in connection with the gymnasium in the male department, to be used as a reading room, at a cost of over eight hundred dollars.

He also, without previous consultation with the Board, removed the wood stoves which had been in use in the different wards, and replaced them with new and expensive coal stoves, in which, however, wood was burned, inclosing them with wire grating; and about the same time supplied the tables in most of the wards with entirely new and expensive table furniture and ware, at an aggregate cost for said stoves, grating, and table furniture, as he states in his examination before the committee, of about two thousand dollars.

He also, about the same time, without previous consultation with the Board, proceeded to erect on the southeast corner of the Asylum grounds, at a point remote from the apartments subject to the inspection of the Board, an edifice for the accommodation and breeding of swine, consisting of a story and a half brick structure, about thirty feet long by twenty-two feet broad, for the storage and preparation of feed, and a wooden building, about one hundred and fifty feet long by about thirty feet wide, having apartments its entire length for swine on each side of a wide corridor or alley, in the middle of which was laid a track with a feed car placed thereon for distribution of food. When the attention of the Board was first called to this structure, it was, in our opinion, too far advanced towards completion to admit of arresting the work, or of making any material change in the plan; the wooden building was roofed in, and the internal arrangements laid out and mostly built. The brick structure was commenced, and more than one half of the expense of the entire building, including the brick and other materials already provided, as we verily believe, had already been incurred. The Board felt compelled in the exercise of just economy to complete the improvement, and did so under the management of Mr. Henry Winslow, at as light an expense as possible. The entire cost of this improvement was about three thousand dollars. We would here add, that we never had, formally or informally, either before or after Dr. Tilden's visit to the Eastern States, authorized or recommended the erection of this edifice, or anything equivalent thereto; nor had we during Dr. Tilden's absence, formally or informally, authorized Mr. Saul, the gardener, nor any one else at his suggestion, to prepare a plan for such an edifice, or anything equivalent thereto, nor of any other edifice about the Asylum premises; nor have we ever yet seen the plan referred to by Dr. Tilden, to our knowledge, as having been prepared by Mr. Saul. We have heard that it was copied from the plan of Prince Albert's piggery, with fifty feet subsequently added by Doctor Tilden.

The cost of these various improvements, with the exception of some small items, was charged to the improvement account, to be paid from the fund provided by the Legislature for the "erection of additional buildings, yards, and other improvements," the entries being made by the Private Secretary of the Resident Physician from the books of the

Steward, both of these officers being under the especial control of the Resident Physician.

It was in consequence of these expenditures, made without our previous consent, by Doctor Tilden, that we contemplated passing the fifty-dollar by-law of which so much is said by him. And the reason that it was not passed at the time it was first proposed was that Doctor Tilden assured the Board that he would thereafter consult them in reference to all expenditures before they were made, without the enactment of the by-law in question, and that they would have no further occasion for complaint against him in reference to such matters. The Board rested on this promise.

But very soon thereafter, regardless of his obligation thus taken, Doctor Tilden, without previous consultation with the Board, commenced and completed certain alterations in the vestibule and corridor of the main building and in rooms adjacent thereto, involving an expense, according to his own estimate, of about seven hundred dollars. By this change, a sleeping room which had accommodated some eight or ten patients was converted into a private office for Doctor Tilden, and the patients were placed in other apartments already crowded with occupants. For further particulars of displacements occasioned by this so-called improvement, we refer the committee to Doctor Tilden's own statement on cross examination. At the next meeting of the Board after these changes were made, Doctor Tilden invited the Board into his private office, thus constructed, and informed them that they would hold their meetings in that room thereafter. They had previously met in the general reception room, a convenient place for them, and had not known that their occupancy of that room at the times of their meeting had occasioned any inconvenience to the Resident Physician or other parties.

Dr. Tilden states in his cross examination that Mr. Sperry, and he thinks Mr. Gasman, in their capacity as Committee on Improvements, in his presence authorized Mr. Winslow to make these alterations in the vestibule, etc., and "that when Mr. Winslow's connection with the old building ceased," he (Doctor Tilden) had the work done as soon as he could.

Mr. Sperry and Mr. Gasman, each for himself, informs the Board of Directors, and each for himself makes it a part of his sworn statement here, that he did not, either as a member of the Committee on Improvements, or in his individual capacity as a Director, authorize Mr. Winslow to make the alterations in question in the vestibule, or any other alterations in those parts of the building, nor was such authority given by them or either of them to any other person.

We here present the affidavit of Mr. Winslow in reference to this matter, also in reference to other matters referred to by Doctor Tilden in his testimony, and in reference to other matters stated by ourselves concerning the new building. We would simply add that the expense of the last named improvement was charged, as in the other cases, to the improvement account:

#### AFFIDAVIT OF HENRY WINSLOW.

Henry Winslow, of lawful age, being duly sworn, deposes and says:

I am the Henry Winslow referred to by Doctor Tilden in his testimony concerning the piggery erected on the State Insane Asylum

grounds at Stockton, and other matters connected with said institution. I was appointed superintendent of construction of the new building recently erected there, and acted in that capacity until the building was completed. Concerning the piggery I would say that more than half the expense of its construction was incurred before it was turned over to me for completion. With regard to certain changes in the vestibule of the main building and rooms adjacent, of which, I am told, Doctor Tilden has testified, saying in effect that the Building or Improvement Committee had authorized me to make them, I will state that I had recommended certain changes in the vestibule of comparatively a slight nature, estimated to cost about fifty dollars, and I submitted the proposition to Mr. Austin Sperry and Reverend J. G. Gasman, the committee referred to; they did not give me any authority to make the changes proposed, and hence I never commenced them.

After the Board of Directors had concluded to erect the edifice completed a few months since, and authorized me to proceed with the work, I went to Doctor Tilden and asked him if he could let me have some hands from the institution. He went into the yard with Mr. Morrissey, the Supervisor, and myself, and picked out some eight hands, or about that number. They were taken out and worked from four to six days. One day they went into the institution for dinner as usual, but did not come out in the afternoon. I went down to see why they did not come out, and I especially wanted to get a man to load brick. Mr. Morrissey told me that Doctor Tilden had instructed him not to let any more hands go out to work on the building, and none came after that. Then Mr. Saul, the gardener, came to me and said: "Mr. Winslow, Doctor Tilden holds me accountable"—or words to that effect—"for any tools belonging to the institution, and you will get together any tools that you have about here that have been purchased for the institution, and I will send a man after them." Accordingly, I had the tools collected and put together; they were sent for and taken away, and I never had them afterwards. The tools referred to were about four hoes, from four to six shovels, some four or five picks, and a wheelbarrow or two. I was obliged to purchase other tools in place of them. I wanted some brick-bats and rubbish hauled away, and sent Mr. Clark, one of my workmen, to Doctor Tilden to ask him for the use of an Asylum team for that purpose. At that time he allowed me to have the team, but not the teamster, who was a patient. The next time I wanted the team I sent Mr. Clark for it again; this time the horses and wagon were refused, and we had them no more.

The most of the men employed upon the new building boarded in town and went to town for dinner—quite a long distance. They wanted to take the nearest and best route in so doing. The main road was somewhat longer than a route through the garden, and in consequence of the teaming we had had done was very dusty, and the men wanted to take the garden route. There was a gate at the lower end of the garden through which they passed for this purpose. Mr. Saul, the gardener, notified the men that they couldn't pass through the garden, and he nailed up the gate. The men complained of his conduct, and continued to go through, knocking off pickets for this purpose. The matter came to Doctor Tilden's ears, and he forbid the men going through there, and Mr. Saul said he would shoot the first man who attempted it. I then went to see the Directors about it, and they passed a resolution author-

izing or instructing the Resident Physician to give Mr. Winslow and his men liberty to pass through any of the Asylum grounds that they needed to for their work, or something to that effect, and that he should allow me to use the horses, tools, etc. Doctor Tilden refused me the use of the horses and tools after this as before. I then built steps to pass over the fence where the men wanted to go out. Mr. Arents, the steward, came and tore them down. I had them erected again. Doctor Tilden and Mr. Arents then came together and tore them down. I met Doctor Tilden there and told him that the Directors had given me permission for the men to pass through the lot for our convenience. He replied: "I don't care a damn for the Directors or you either."

HENRY WINSLOW.

Subscribed and sworn to before me this twenty-fifth day of January, A. D. eighteen hundred and sixty-six.

H. B. UNDERHILL,  
County Judge of San Joaquin county.

[Internal revenue stamp, cancelled.]

The following is a copy of the resolution referred to in the above affidavit, passed at a regular monthly meeting of the Board of Directors of the Insane Asylum, held July ninth, eighteen hundred and sixty-four, as appears by the records:

"*Resolved*, That the Resident Physician be instructed to give Mr. Winslow, and the men employed by him in the erection of the new building adjacent to the Asylum, free ingress and egress through the grounds of the Asylum, and that Mr. Winslow be allowed the use of all tools and implements of husbandry, horses, carts, etc., when not in actual use, under the direction of the Resident Physician."

The necessity for a by-law, restricting the Resident Physician in the matter of expenditures, now became so apparent, that the same was passed, together with another equally offensive, in reference to discharges.

Doctor Tilden stoutly affirmed that he would not respect these by-laws. He petitioned the Supreme Court of our State for a writ of mandamus commanding the Board of Directors to rescind the laws in question. The Supreme Court refused to grant the petition, as appears by their brief decision in the following words:

"*The People ex rel. Tilden v. Shurtleff et als.*—We are of the opinion that the by-laws set out in the petition are not in conflict with the provisions of the Act of eighteen hundred and sixty-four, entitled an Act concerning the Insane Asylum of California, and to levy a tax therefor, or the Act amendatory thereof.

"Mandamus denied.

(Signed:)

"We concur:

"SAWYER, J.

"SANDERSON, C. J.

"SHAFTER, J.

"CURREY, J.

"RHODES, J."

During the time that Doctor Tilden refused to obey said by-laws, he made no requisition for garden seeds, and purchased none to our knowledge, and the garden became much less productive than it had been, in consequence.

As to the refusal of the Board to approve of the discharge of Mrs. Davis when first made, of which Doctor Tilden speaks so much at length, the Board will only say that the charges upon which her discharge was based seemed to be summed up in the word "*unreliability*," which meant, as explained by him, *untruthfulness* in the matter of the declaration made by her that the Board had consented that she might have her daughter with her for a season in the Asylum. We found, upon examination, that though the Board had not given this consent, two members of the Board had given their individual consent, and promised to ask for her the consent of the entire Board, which, however, they failed to do. The Board concluded that the lady had only been guilty of drawing a too hasty conclusion, and not of intentional misrepresentation to Doctor Tilden; hence they could not approve of a dismissal founded upon a *charge not sustained by evidence*.

As to the refusal of the Board to approve of the discharge of the same lady in the second instance, and also of the discharge of Doctor Thorndike, we cannot see how their action cuts any figure in the case, inasmuch as they did not require the Resident Physician to restore the parties discharged to their places, as they might have done, but allowed them to go away. It might have been unpleasant to Doctor Tilden not to secure the approval of his acts by the Board, but it was certainly no crime in them to withhold it when they could not in their judgments properly bestow it.

We now present the correspondence which took place between the Board and Doctor Tilden in reference to the matter of supplies not provided by contracts, and the by-law on that subject, in which the Board signify their willingness to meet at any time when the necessities of the institution might require, to approve of estimates, and their protesting against his depriving the patients of necessary supplies because of his unwillingness to comply with the by-laws of the institution.

We will here state that this correspondence took place prior to the time at which Doctor Tilden in his examination states that he met Judge Underhill in town, and was assured by him that the Directors would let him have anything he wanted for the institution if he would ask for it; for he says in that connection, that he returned to the institution and immediately made a requisition for articles which the Board of Directors approved, and that he continued from time to time, or from day to day, to make requisitions which received the approval of the Board.

Mr. Underhill informed the Board, and gives it here as a part of his testimony under oath, that Doctor Tilden said in the conversation referred to between them, that he would sooner lose his right arm than humble himself to obey those by-laws adopted by the Board, or words to that effect.

[Copy of communication from Doctor W. P. Tilden to the Directors of the Insane Asylum, and answer.]

INSANE ASYLUM, February 2d, 1865.

To the Directors of the Insane Asylum:

GENTLEMEN:—For some time past the Asylum has been in want of many articles necessary for the comfort and welfare of the patients



which I have not been able to get in consequence of your "notice" given to the public last month. The baker has baked his last day's supply of bread, for want of yeast, and I am unable to supply him with materials to make more. On Saturday the institution will be without bread. Your by-law, Article V, section two, I cannot, nor could any one, comply with. If the wants of the Asylum cannot be supplied, I shall be compelled to notify, through the public prints, the people to come and take away the patients, to prevent suffering from want of the necessities of life.

W. P. TILDEN,  
Medical Superintendent.

STOCKTON, February 3d, 1865.

Doctor WILLIAM P. TILDEN,  
*Superintendent Insane Asylum:*

SIR:—Your letter of yesterday, to the Directors of the Asylum, stating that said institution "is in want of many articles necessary to the comfort and welfare of the patients," is received.

You will please make out a list of the articles wanted, and submit the same to the Board for its approval; and the Board will hold a special meeting to-night, at half-past seven o'clock, to act upon the same, so that you will be able to make your purchases to-morrow.

The Board, so far from withholding anything necessary for the comfort and welfare of the patients in the Asylum, would deem the continued want of such necessities not only in the highest degree reprehensible and inhuman, but a criminal "neglect or refusal to discharge the duties" appertaining to the executive department of the institution.

On the part of the Directors, we beg leave to assure you that every facility will be afforded, under the organic law and the by-laws "adopted for their own government, and the government of the Asylum," to supply the institution with all the necessities and comforts usual in such establishments.

(Signed:)

G. A. SHURTLEFF,  
T. R. ANTHONY,  
AUSTIN SPERRY,  
H. B. UNDERHILL,  
Directors.

We would here state that at the same time with the forwarding the foregoing to Doctor Tilden, the President and other members of the Board visited the institution, for the purpose of ascertaining its wants, and they learned from the baker that there was good bread enough on hand for immediate use, but that after the present supply was exhausted, unless new yeast should be obtained, the bread made by him would be of inferior quality. They believed, also, that the comfort and best interests of the patients required the purchase of many other articles; but notwithstanding the Board offered to meet that very day and approve said purchases, Doctor Tilden persisted in refusing to furnish the Board with a list of the articles needed, thus compelling the patients to suffer, in order to gratify his wilful opposition to the Board of Directors.

Six days thereafter the Board, at its regular meeting, February ninth, received a communication from the Resident Physician, of which the following is an extract:

"I would again call your attention to the fact that the Asylum is

greatly in need of many articles essential to the comfort and welfare of the patients, which, because of Article V, section two, of the by-laws, I am unable to purchase.  
(Signed:)

"W. P. TILDEN,  
"Medical Superintendent."

[Reply to the closing paragraph of Dr. Tilden's communication to the Board of Directors, dated February 9th, 1865.]

"That in reply to the communication of the Superintendent, dated February ninth, eighteen hundred and sixty-five, the Superintendent be requested to furnish a list of articles needed, and submit the same to the Board for approval, in accordance with the by-laws, and that he be informed that the Board, in case of urgent necessity or sudden emergency, will hold, as heretofore, extra meetings to approve such urgent needful expenditures, and that he be further informed that there is no probability that the by-laws referred to will be repealed."  
[A true extract from the minutes.—R. HAPPERTT, Secretary.]

Notwithstanding the offers thus made to supply the institution with all needful articles, Doctor Tilden still refused to furnish the Board with the lists of articles needed until after the interview with Mr. Underhill, of which he speaks.

In justification of their course in taking possession of the institution on the first of May, eighteen hundred and sixty-five, and declaring the office of Resident Physician vacant, the Board would state:

*First*—That they had been informed that Doctors Morse and Whitney, of the Board of Medical Visitors, had, at the instigation of Doctor Tilden, and by his procurement, promised him that they would not attend the meeting of the two Boards, as provided by law, for the election of Resident and Assistant Physicians, (a duty, by the by, which their oath of office, as we believe, required them to perform,) nor any adjourned meeting held for that purpose, and they did not attend the meeting in April, eighteen hundred and sixty-five, of which they were duly notified. In reference to this matter, Mr. William M. Baggs informed the Board, and states here as a part of his testimony, under oath, that Doctor Morse said to him: "That they"—meaning himself and Doctor Whitney—"had promised Doctor Tilden, six months before the time of the meeting of the officers referred to, that they would not attend that meeting, and they were bound by their promise," or words to that effect.

*Second*—That Article XI, section seven, of the Constitution of the State of California provides, that

"When the duration of any office is not provided for by this Constitution, it may be declared by law, and if not so declared, such office shall be held during the pleasure of the authority making the appointment; *nor shall the duration of any office not fixed by this Constitution ever exceed four years.*"

That the office of Resident Physician is *not* provided for by this Constitution, and is therefore subject to the last clause of the section quoted; that Doctor Tilden's term began on the twentieth day of April, eighteen hundred and sixty-one, and must, in this view, terminate by force of a constitutional provision, on the twentieth day of April, eighteen hundred and sixty-five.



*Third*—That if Doctor Tilden was no longer, according to constitutional provision, Resident Physician, his remaining in the institution and acting in that capacity was a usurpation of office, and his acts were not binding upon the Board of Directors, and other parties in interest. Especially so if this usurpation was by his own procurement in inducing the said Medical Visitors to violate their oath of office, and absent themselves from the meeting appointed by law for said election; as by a maxim of law *no one can take advantage of his own wrong.*

*Fourth*—That if Doctor Tilden was no longer legally the Resident Physician, Doctor Clark was no longer the Assistant Physician, and the entire care and custody of the institution devolved, by force of law, on the Board of Directors, whose term of office had not expired by law nor by constitutional provision; that the property was held by them by law, and in case of vacancies in the offices of Resident and Assistant Physicians, the Board were in duty bound to procure suitable medical and curative attention and appliances for the patients—powers and duties embraced, as we believe, in the following provisions of section three of the organic law:

“The Board of Directors shall be known by the name and style of the Directors of the Insane Asylum, and by that name they and their successors shall be known in law, may sue and be sued in any Courts of this State, and may receive and hold property, real and personal, for the use and benefit of said Asylum. They shall have full power to manage and administer the affairs of said Asylum, shall make and adopt by-laws for their government and the government of the Asylum.”

*Fifth*—That they had a reason to believe, from personal observation and information from other sources, and did believe, that the patients, after the discharge by Doctor Tilden of nearly all the experienced attendants, on the eighteenth of April, eighteen hundred and sixty-five, were not receiving proper attention from Doctor Tilden and his inexperienced employes, made up, as he says, “from outside attendants called in, and persons applying for situations.” That they believed the affairs of the institution in general were being badly managed by Doctor Tilden, which would, in all probability, occasion great confusion, discomfort, and suffering, unless speedily checked—a result for which they would, as the higher authority in the institution, be held responsible, having it in their power to prevent it.

The condition of the patients and the wards when the Board relieved Doctor Tilden of their further care, as shown by the affidavits of the employes, already introduced, fully justifies the conclusion to which they arrived in the premises.

*Sixth*—That the Resident Physician had ceased to ask the permission of the Board of Directors when he wished to leave the city, but on many occasions left the city for San Francisco and other places without asking permission of the Board, in utter disregard of their authority, and in violation of the provisions of section seven of the organic law, which provides that “the Resident Physician shall reside within the Asylum grounds, and shall not be allowed to engage in any private practice, but shall be in attendance at all times at said Asylum, except when he may obtain leave of absence from the Directors.”

For the foregoing reasons, the Board became satisfied that the dictates of justice, law, and humanity, all combined to demand that they should assume the entire management of the institution and not allow Doctor

Tilden longer to impose on the State in the matter of this great charity.

As to the manner in which the Board took possession of the premises, we would say, that the Board held a called meeting at the Asylum, as it was their right and duty to do when occasion required, on the first of May, eighteen hundred and sixty-five. At that meeting they passed a resolution declaring the offices of Resident and Assistant Physicians vacant. They were legally in possession of the premises while Doctor Tilden was absent. The men designated by him as a mob were employes of the institution, whose discharge by Doctor Tilden had not been approved by the Board, and who, by the by-law which the Supreme Court has declared not in conflict with the organic law, were still in office, and were on the grounds in the performance of their duties.

On Doctor Tilden's return, the Board and the said employes still being there, he was informed by the President of the Board that his office had been declared vacant; that he was no longer an officer in the institution, and could not enter it except by force of law, or words to that effect.

What little violence was offered in the case was the result of an effort on Doctor Tilden's part to force himself in, and an effort on the part of one of his supporters to remove an employe of the institution from a post of duty after he had been repeatedly warned to desist.

We have been informed that the injured man was walking on the street within an hour after the occurrence referred to.

In reference to the contracts concerning which Mr. Arents testified, we would say:

*First*—That as Mr. Arents on cross examination acknowledged that his statement with regard to the beef contract was false, and that he wished to take it back, we need say nothing on that matter.

*Second*—That Mr. Arents acknowledged on cross examination that he was in error with regard to the blankets, that instead of there being a difference of a dollar and a half in the market value between the contract article and the one received, the difference was not more than fifty cents per pair; that the contract blankets were not in the market at the time, and could not be got at any price. It was further proved by Mr. Moseley that Mr. Arents told him that the blankets received in this instance were larger and heavier than the contract blankets, and full as good in every respect. We would add that Mr. Arents stated to some members of the Board, showing the blankets in the store room, that the institution would be a gainer by the change; and it is our belief that the institution did not lose a dollar in the matter of this contract.

*Third*—In the matter of the hay contract, Mr. Arents acknowledged that after taking the minimum quantities of hay and straw, it was for the pecuniary interest of the institution to throw up the balance of the contract if, under its provisions, we must take the straw with the hay. It was thrown up on that account upon consultation with Mr. Arents and Doctor Tilden. We believed then, and still believe, that said contract was an entirety, and that it was not optional with the Board to take the hay and reject the straw. We were informed and believed that the contractor had taken legal advice, and said he would stand a lawsuit rather than furnish the hay without the straw. We believe we saved money for the State in this matter.

*Fourth*—As to the potato contract, Mr. Hale, of the firm of Hale & Newell, states what is true, that he did not execute a bond in that matter with a penal obligation of one thousand dollars; that he never told Mr. Arents that he did sign such a bond, or that one was presented for his signature. That the bond first executed in this case was without any

penal obligation. That this bond was considered invalid for want of a penal obligation, and that they were required to furnish a new bond with a penal obligation. Such a bond was furnished in the penal obligation of three hundred dollars.

We would add that it was determined at this time by the Board to change all the bonds in this respect, and a blank form was provided for all the contractors to fill up. We here state further that it was the intention of the Board to advance the interests of the State in this case, as in all other contract matters. And we, upon our oaths, do say that, large sums of money have been saved to the State by the discretion and care exercised by the Board in awarding contracts; for instance, the bid for furnishing flour from May to November, eighteen hundred and sixty-five, was rejected, on the ground that the price was too high, and the flour was purchased as wanted, for cash, at the lowest price for which it could be obtained. By this transaction alone the State gained, and a Stockton merchant was prevented from making the sum of one thousand nine hundred and sixty-eight dollars and eighty cents, (\$1,968 80.)

G. A. SHURTLEFF,  
AUSTIN SPERRY,  
J. G. GASMAN,  
E. S. HOLDEN,  
H. B. UNDERHILL,  
T. R. ANTHONY.

G. A. Shurtleff, Austin Sperry, J. G. Gasman, E. S. Holden, and T. R. Anthony, being duly sworn, each for himself, deposes and says:

That he was a Director in the Insane Asylum during all the time during which the misunderstandings are alleged to have existed between the Board of Directors and Doctor Tilden; that he has heard the foregoing statement read, and knows the contents thereof; that the same is true of his own knowledge, except as to matters stated therein on information and belief, and as to such matters he believes it to be true.

G. A. SHURTLEFF,  
AUSTIN SPERRY,  
J. G. GASMAN,  
E. S. HOLDEN,  
T. R. ANTHONY.

Subscribed and sworn to before me this first day of February, A. D. eighteen hundred and sixty-six.

H. B. UNDERHILL,  
County Judge of San Joaquin County.

[Internal revenue stamps, cancelled.]

William M. Baggs, being duly sworn, deposes and says:

That he was elected Director of the Insane Asylum of California in March, eighteen hundred and sixty five, to supply the vacancy occasioned by the resignation of H. B. Underhill; that he has heard the foregoing statement read, and knows the contents thereof; that as to matters stated therein as occurring after he entered upon the duties of his office, the

same is true of his own knowledge, except as to matters stated on information or belief, and as to such matters he believes it to be true.

WILLIAM M. BAGGS.

Subscribed and sworn to before me this first day of February, A. D. eighteen hundred and sixty-six.

H. B. UNDERHILL,  
County Judge of San Joaquin County.

[Internal revenue stamp, cancelled.]

H. B. Underhill, being duly sworn, deposes and says:

That he was a Director of the Insane Asylum during most of the time during which the misunderstandings are alleged to have existed between the Board of Directors and Doctor Tilden; that he resigned his office in March, eighteen hundred and sixty-five, as he believes; that he has read the foregoing statement, and knows the contents thereof, and that the same is true of his own knowledge as to matters occurring during the time that he was Director, except as to matters stated on information or belief, and as to such matters he believes it to be true.

H. B. UNDERHILL.

Subscribed and sworn to before me this first day of February, A. D. eighteen hundred and sixty-six.

H. E. HALL,  
County Clerk of San Joaquin County.

[Internal revenue stamp, cancelled.]

DOCTOR CLARK, RECALLED.

FEBRUARY 8th, 1866.

Q.—Do you know a man by the name of Seifert that once occupied a position in the Insane Asylum?

A.—Yes, Sir.

Q.—What position did he occupy, and at what time?

A.—He was assistant attendant in the fourth ward, under Mr. Weaver.

Q.—Did you know anything of a Chinaman to die there in that ward while Seifert was there?

A.—I think one died there while he was there.

Q.—Did you ever have any conversation with Seifert as to what he had stated was the cause of that Chinaman's death? and if so, please state what he stated to you about it.

A.—I think it was during the time of the post mortem examination of the body of James Lilly, I heard that Seifert had made some statements of the abuses of a Chinaman in his ward. Seifert came to me voluntarily one day as I was sitting in the office, and said that the statements he had made in regard to that matter were false; said the way that he hap-

pened to make them, that this man Drake, who was charged with the murder of Lilly, overtook him in town one night while he (Seifert) was drunk, and that he made inquiries as to matters in his ward, and that he (Seifert) told him about the abuse of this Chinaman, but there was no truth in it.

### TESTIMONY OF M. H. BOND.

FEBRUARY 8th, 1866.

M. H. Bond, sworn:

Q.—What public position did you occupy in this county in June, eighteen hundred and sixty-five?

A.—County Coroner.

Q.—As such officer, did you in that month hold an inquest over the body of James Lilly, deceased?

A.—I did; one that was sworn to be his.

Q.—At what place did you hold that inquest?

A.—The State Insane Asylum.

Q.—Were you present at the time the body was taken from its grave?

A.—I was.

Q.—What was the condition of the grave?

A.—It was perfectly dry. There were two bodies taken up at the time, and they were both perfectly dry.

Q.—Did you witness the post mortem examination made by Doctors Whaley and Langdon?

A.—I did. I was there a portion of the time.

Q.—Was there any outward appearance on the body of any violence having been inflicted upon it? if so, please describe it.

A.—I saw a spot on the breast. It was pointed out to me by the physicians, who stated that it was caused by something heavy being thrown on it. The body was black and blue, and the spot was a different color from the rest of the body. The body was in an advanced state of decomposition. There was no other evidence of violence on the body. When I say that the body was black and blue, that was the result of decomposition; but the spot was a little different color. The doctors pointed it out to me, and said it was caused by something heavy being thrown upon it.

Q.—Did you see the rib bones and collar bone that was said to have been fractured?

A.—I did.

Q.—Describe the fractures as nearly as you can recollect them, the manner in which they were broken, and their general appearance.

A.—I don't remember enough about them now to describe them minutely. The physicians lifted up the breast bone and pointed them out to me.

Q.—Don't you remember whether the fractures were square or oblique?

A.—I remember that the ends of the bones were very rough and ragged, and broken every which way.

Q.—Who were the doctors that made the post mortem examination?

A.—Doctors Langdon and Whaley, and I believe Doctor Thorndike was present at the time.

Q.—State what experience you had in disinterring dead bodies and in digging graves.

A.—I have had a great deal of experience in it, having been more or less engaged in it since eighteen hundred and fifty-two, in five or six different graveyards in and around Stockton. I have disinterred a great many bodies from the graveyard at the Insane Asylum in my capacity as an undertaker.

Q.—State from your experience in such matters what is the general condition of the graves of the bodies of those you have disinterred, at different seasons of the year, and generally all about it as far as you can?

A.—The seasons of the year that are wet, the months of January and February, if graves are dug deeper than four feet, water will rise in them in localities that are low in the cemeteries; other seasons of the year we dig five or six feet without any water rising in them, and some times in dry seasons can go ten or twelve feet, and not get any water; in some parts of the cemeteries at any time in the year you can dig five feet and not get any water. The last body that I took up at the Asylum Cemetery was the very last of December, and the grave was perfectly dry—the corpse and coffin were perfectly dry. I took the corpse out of the box, and put it in another coffin; the grave was good four feet deep. I have never taken up but one body when the grave had water in it; the grave was very deep, about five feet; the water was in the coffin, but I do not know how it got in there; there were two or three inches of mud under the coffin in the bottom of the grave.

Q.—At what depth do they usually dig graves?

A.—The usual depth is from four to five feet; the first two feet of the soil here is black, lumpy clay; then you strike a yellow clay or fine dirt, and have to go deep enough in the yellow clay to get soil enough to cover the grave to keep the stench from coming out.

Q.—Who acted as clerk at the Coroner's inquest in the case of Lilly?

A.—O. M. Clayes; he came there to get the testimony to publish, and I asked him to act as clerk.

Q.—State whether the report of the case as on file in the County Clerk's office is exactly as it was written by Mr. Clayes, who acted as clerk?

A.—That I can't tell; it is the same to the best of my knowledge and belief; when it came back it was just the same with the exception of some few pencil marks, which I supposed were done by Mr. Clayes as a direction to the printer, but which did not change the record in substance at all.

Q.—Did you allow the original manuscript to pass from your hands before being filed by the County Clerk, and if so, into whose hands did it go and how long was it kept?

A.—It passed out of my hands into the hands of the printers, the proprietors of the *Stockton Independent*. I think it was in their hands two or three weeks; it was locked up in Mr. Geddes' drawer; some one had gone to Sacramento with the key, and they did not want to break open the drawer.

Q.—Is this the correct report of the mortality of the City of Stockton and vicinity—I mean by vicinity, five or ten miles—for the years mentioned in this paper? [Here the witness is handed a paper marked "Exhibit of Mortality Reports."]

A.—To the best of my knowledge it is. I have kept the records myself; I took it off hastily; I think it is correct, but it does not include the County Hospital and Insane Asylum.

## MORTALITY REPORT.

TABULAR STATEMENT of the number of deaths in the City of Stockton, and the causes, for ten years, ending December thirty-first, eighteen hundred and sixty-five, (exclusive of those from external causes.)

DISEASES.	1856	1857	1858	1859	1860	1861	1862	1863	1864	1865	Total.
Apoplexy.....	1	.....	2	.....	.....	.....	.....	.....	.....	.....	3
Congestion of the brain.....	2	.....	9	3	.....	1	.....	.....	.....	.....	15
Inflammation of the brain.....	3	2	.....	.....	.....	7	6	2	7	5	32
Congestive chill.....	1	.....	1	.....	1	1	.....	.....	.....	.....	4
Croup.....	2	2	1	.....	.....	1	.....	3	5	5	19
Consumption.....	17	9	7	14	11	17	6	7	18	15	121
Childbirth.....	1	.....	1	1	2	3	.....	1	.....	.....	9
Dropsy.....	2	4	2	1	1	2	3	.....	2	2	19
Diarrhœa.....	2	1	1	.....	.....	.....	2	.....	1	.....	7
Inflammation of the stomach.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
Inflammation of the larynx.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Inflammation of the bowels.....	1	4	1	2	3	7	1	1	.....	2	22
Typhoid fever.....	3	3	3	4	1	5	1	3	7	5	35
Puerperal convulsions.....	1	.....	1	.....	.....	.....	.....	.....	.....	.....	2
Pneumonia.....	2	1	3	.....	2	.....	4	9	3	5	29
Marasmus.....	1	.....	1	2	.....	.....	1	1	2	2	10
Heart disease.....	1	1	3	1	4	2	.....	2	2	3	19
General debility.....	1	1	.....	.....	.....	2	.....	1	4	3	12
Delirium tremens.....	2	2	1	.....	1	.....	.....	1	.....	.....	7
Whooping cough.....	2	1	1	.....	.....	5	.....	.....	.....	.....	9
Abscess.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Asthma.....	.....	1	1	.....	1	.....	.....	.....	.....	.....	3
Congestion of the bowels.....	.....	1	2	1	.....	.....	.....	.....	.....	.....	4
Cancer.....	.....	1	1	1	.....	2	.....	1	.....	.....	6
Dysentery.....	.....	3	7	6	5	5	.....	1	.....	2	29
Puerperal fever.....	.....	1	.....	.....	.....	3	.....	.....	1	1	6
Hydrocephalus.....	.....	1	4	3	3	3	.....	.....	4	1	19
Rheumatism.....	.....	1	.....	.....	.....	.....	.....	.....	.....	1	2
Congestion of lungs.....	.....	1	.....	.....	.....	1	.....	.....	1	1	4
Teething.....	.....	1	1	4	1	1	2	3	.....	2	15
Convulsions.....	4	5	5	5	3	4	5	4	3	2	40
Cholera morbus.....	.....	.....	1	.....	.....	.....	.....	.....	1	.....	2
Disease of the liver.....	.....	.....	1	.....	3	2	.....	.....	.....	.....	6
Fever.....	.....	.....	7	.....	1	.....	.....	1	.....	.....	9
Scarlet fever.....	.....	.....	4	.....	.....	.....	2	5	24	5	40
Bilious fever.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	1
Intermittent fever.....	.....	.....	2	.....	.....	1	3	.....	1	.....	7
Miscarriage.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	1
Pleurisy.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	1
Diphtheria.....	.....	.....	4	20	7	1	.....	.....	4	.....	36
Stricture.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	1
Tetanus.....	.....	.....	1	.....	.....	.....	1	.....	1	1	4
Phlebitis.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	1
Onanism.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	1
Tuberculosis.....	.....	.....	1	.....	.....	.....	.....	.....	1	.....	2
Hemorrhage of the lungs.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	1
Starvation.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	1
Chronic hepatitis.....	.....	.....	.....	2	.....	.....	.....	.....	.....	.....	2
Gastro-enteritis.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	1
Old age.....	.....	.....	.....	2	.....	2	.....	1	2	3	10
Sun stroke.....	.....	.....	.....	1	.....	.....	.....	.....	.....	.....	1
Cholera infantum.....	.....	.....	.....	.....	1	1	.....	.....	3	1	6
Acute mania.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	1
Anemia.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	1
Tumor.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	1
Bronchitis.....	.....	.....	.....	.....	.....	.....	1	.....	.....	1	2
Diabetes.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	1
Meningitis.....	.....	.....	.....	.....	.....	2	.....	.....	.....	.....	2

## TABULAR STATEMENT—Continued.

DISEASES.	1856	1857	1858	1859	1860	1861	1862	1863	1864	1865	Total.
Epilepsy.....	.....	.....	.....	.....	.....	.....	1	.....	.....	.....	1
Paralysis.....	.....	.....	.....	.....	.....	.....	.....	1	1	1	3
Erysipelas.....	.....	.....	.....	.....	.....	.....	.....	.....	1	.....	1
Measles.....	.....	.....	.....	.....	.....	.....	.....	.....	4	.....	4
*Not ascertained.....	.....	.....	1	.....	2	5	8	10	3	4	33
Totals.....	52	48	89	74	53	83	54	58	106	73	690

## DEATHS FROM EXTERNAL CAUSES.

DISEASES.	1856	1857	1858	1859	1860	1861	1862	1863	1864	1865	Total.
Scalded.....	1	.....	.....	.....	.....	.....	.....	.....	.....	.....	1
Burned.....	1	.....	1	.....	2	1	1	.....	.....	.....	6
Intemperance.....	1	.....	1	1	.....	2	2	1	1	.....	9
Suicide.....	3	1	.....	1	1	1	.....	1	3	1	12
Shot.....	3	3	.....	2	1	.....	.....	.....	2	.....	11
Drowned.....	3	4	2	.....	.....	2	6	2	2	2	23
Concussion of brain.....	.....	1	.....	.....	.....	.....	.....	.....	.....	.....	1
Poisoned.....	.....	.....	1	.....	.....	.....	.....	.....	.....	.....	1
Executed.....	.....	.....	.....	3	1	.....	.....	.....	.....	.....	4
Killed.....	.....	.....	.....	1	2	4	2	.....	.....	.....	9
Choked.....	.....	.....	.....	.....	.....	1	.....	.....	.....	.....	1
External injuries.....	.....	.....	.....	.....	.....	.....	.....	.....	2	.....	2
Totals.....	12	9	5	4	8	9	14	6	10	3	80

I do hereby certify that the foregoing is a full and true transcript of the record of deaths occurring in the City of Stockton during the ten consecutive years, commencing January first, eighteen hundred and fifty-six, and ending December thirty-first, eighteen hundred and sixty-five, (exclusive of stillborns,) as appears of record on books in my office, kept by me as County Coroner and as City Sexton. And I further certify that I have kept a registry of the interments in the different cemeteries in said city since the first day of June, eighteen hundred and fifty-two.

M. H. BOND,

Coroner San Joaquin County, and General Undertaker.  
Stockton, February 19th, 1866.

Average population of Stockton from December thirty-first, eighteen hundred and fifty-five, to January first, eighteen hundred and sixty-six, four thousand five hundred.

Average annual ratio of mortality, exclusive of deaths from external causes, 1 in 65.21.

Average annual ratio of mortality, including deaths from external causes, 1 in 58.44 of the population.

\* Those not ascertained were principally Chinese.

## TESTIMONY OF DOCTOR SPOSATI.

FEBRUARY 8th, 1866.

Dr. Sposati, sworn :

Q.—What is your profession ?

A.—A physician.

Q.—Of what country are you a native ?

A.—Italy—from Naples.

Q.—How long did you live in Italy before coming to this country ?

A.—Twenty-two years.

Q.—How long have you lived in the City of Stockton ?

A.—Since eighteen hundred and fifty-eight, with the exception of one year, while I was in the Army of the Potomac, and in Europe.

Q.—Where else have you lived ?

A.—In New York City, where I practiced medicine from eighteen hundred and fifty-two to eighteen hundred and fifty-eight.

Q.—State if you please, what in your opinion, from observation and experience, is the nature of the climate of Stockton as adapted for an insane Asylum, and your reasons therefor.

A.—My experience, since eighteen hundred and fifty-eight is, there has never been any epidemic in Stockton ; not one. I do not know if there was any during my absence, or before I came. The diseases here generally are the diseases we find most common in the best of climates ; as in the South of France, Italy, and Spain. Since I have been here there have been many surgical operations, and I never saw any climate better adapted for it. Erysipelas very seldom occurs. We have sometimes in the summer intermittent and bilious fever ; very seldom typhoid or typhus fever ; the intermittent fever generally comes from the San Joaquin River, and the tules. About two thirds of my cases come from there.

Q.—State the nature of this climate compared with that of New York, and Italy ?

A.—As regards New York, I think this is better—a great deal better ; it is very hot there in the summer, and very cold in the winter ; changes very sudden. As to Italy, some parts of Italy, about Rome and Tuscany—in summer it is a great deal better here. In the winter it is better in and about Rome and Tuscany ;—it is milder there generally. This compares very favorably with the climate of Sicily and Naples. I have not had much to do with the hospitals there, consequently can't speak much about them, but think that the climate here is very well adapted to the treatment of such patients. Such patients need plenty of fresh air, so that they can be out, run about, and work on the farm, raise vegetables and flowers, take exercise. This is better than taking medicine ; this climate is very well adapted for that. In the summer, in the morning and evening the fresh breezes ; and in the middle of the day it is warm for a few hours. In the winter, while there is no rain, the climate is very well adapted for them to stay out.

Q.—How will this climate compare with other portions of this State ?

A.—Los Angeles is too warm, and San Francisco is too cold and changeable to be favorable for an Insane Asylum ; the other portions of the State I know nothing of.

Q.—At what medical school did you graduate ?

A.—At Naples, in Italy, and Montpellier, in France.

## TESTIMONY OF DAVID SANDERSON.

FEBRUARY 8th, 1866.

David Sanderson, sworn :

Q.—State what office, if any, you have held in the State Insane Asylum, and at what time.

A.—I was an assistant in the first ward from the first of March, eighteen hundred and sixty-four, until the eighteenth of April, eighteen hundred and sixty-five. I went back there on the first of May same year. The first of May, eighteen hundred and sixty-five, the Trustees turned Doctor Tilden out and took possession themselves ; that afternoon there was a little difficulty there, and Mr. Saul and Mr. Winslow came pretty near fighting ; as far as I could see, I was standing on the piazza at the time the row commenced, Mr. Winslow wanted to get to Mr. Saul to whip him, or try to ; I stepped up to Winslow to keep him from fighting if I could ; this man Wohlar was standing on the pavement in front ; he came up and took hold of me by the left arm, tried to pull me off the stoop ; I told him to let loose of me ; he would not do it ; I drew off with my foot and hit him a kick in the belly, or some place, I did not know where ; he staggered back and laid down under a shade tree ; Saul ran up and said : " There is a man killed." Mr. Arents, Saul, and Doctor Tilden was amongst them ; carried him round to his room in the laundry ; in about three quarters of an hour, or an hour afterward, he came round in front of the building ; he raised the window in Stevens' room, the attendant's ; James Morrissey saw him trying to get into the window ; he went down and took hold of him and led him out at the front gate ; whether Wohlar went down town, or over to Doctor Tilden's, I could not say.

Q.—What can you say about Doctor Tilden visiting your ward, for, say, about six months prior to your discharge on April eighteenth, eighteen hundred and sixty-five ?

A.—There was about four months prior to the eighteenth day of April, eighteen hundred and sixty-five, that I don't remember of him going through more than twice, to prescribe medicine for the patients ; he has went through with visitors occasionally during that time.

Q.—What ward were you in at that time ?

A.—The first ward.

Q.—Do your duties require you to remain there all your time ?

A.—Yes, Sir.

Q.—What time of the day were you most specially occupied in your ward, in the discharge of your duties ?

A.—In the forenoon.

Q.—Were you always in your ward in the morning until cleaning up had been accomplished ?

A.—Except when I was at breakfast.

Q.—It was your duty to return from breakfast to your ward, and you always discharged your duty in that respect ?

A.—Yes, Sir.

Q.—Were you a witness before the Coroner's inquest in the case of James Lilly ?

A.—I was.

Q.—Please state to the committee then, that if you were faithful in

the discharge of your duties in your ward, why you visited the dead house at eight o'clock A. M. to examine the body of James Lilly?

A.—I think that I stated in the first place that I was in the ward from the first day of March, eighteen hundred and sixty-four, to the eighteenth day of April, eighteen hundred and sixty-five; the month of May, eighteen hundred and sixty-five, I was not in the ward; my duty called me in front of the office; my duty there was watchman; night and day I was supposed to be there most of the time; when I slept I slept in the reception room.

Q.—Were you the regularly appointed watchman of the institution on that occasion?

A.—Not to visit the wards, I was not.

Q.—Please state under what instructions you acted as watchman, and how long you held that position?

A.—I acted there as watchman so as to prevent Doctor W. P. Tilden from going into the office and taking possession again, also to see that there was no mischief nor damage done around the institution by those that left when Doctor Tilden did. I can't state exactly how long I was on there on that duty; it was probably a month or five weeks; I performed those duties under the instructions of Doctor Clark and the Board of Directors.

Q.—Please state how many other watchmen besides yourself there was under the same instructions?

A.—I should say about nine for about two weeks; after that there was not any one only the employés of the Institution—some three or four.

Q.—Did these employés discharge other duties?

A.—Not while they were on watch.

Q.—After the two weeks you refer to?

A.—They did not for about a week afterwards.

Q.—State what pay those watchmen got?

A.—They got at the rate of forty dollars a month, those that were not attendants in the wards.

Q.—You say you saw the body of James Lilly in the dead house about eight o'clock in the morning. What induced you to go into the dead house to examine James Lilly?

A.—The dead house door was standing partially open as I was passing there; I stepped over there and went in, more for curiosity than anything else; he was laying there covered up on the table for that purpose. I uncovered his face, and, about half way down his breast; he looked natural to me in the face, and did not show any marks of violence on him, as far as I saw.

Q.—You say your curiosity led you to examine his body to see how he came to his death. Now, why so much curiosity in that particular case?

A.—There was no more curiosity in that case than in several others I have examined in that dead house.

Q.—What led you to suppose he had not died a natural death?

A.—There was nothing.

Q.—Then why did you suppose he died a natural death?

A.—I knew that he had been sick for some time before he died.

Q.—Do you think that you would know by the looks of the body whether the person had died a natural death, or not?

A.—I don't profess to be a judge of it.

Q.—Were you looking for marks of violence?

A.—No, Sir.

Q.—Please state what you were looking for?

A.—I was looking for curiosity?

Q.—Did you find it?

A.—I found all I was looking for. I found a corpse; his shirt was open, and turned back on each side; I turned down the blankets, and that exposed his breast.

Q.—Was he laid out for burial?

A.—No, Sir.

Q.—At the time when you visited the dead house to look at this body, had you heard from any source that violence had been committed upon Lilly?

A.—I had not.

## TESTIMONY OF M. A. WEAVER.

FEBRUARY 8th, 1866.

M. A. Weaver, sworn:

Q.—Do you hold any position in the Insane Asylum?

A.—I do.

Q.—What position is that, and how long have you held it?

A.—Attendant in the fourth ward, since the first of May last.

Q.—Do you know a man by the name of Seifert, that once held a position in the Asylum?

A.—Yes, Sir.

Q.—What position did he occupy there?

A.—Assistant in the fourth ward, under me.

Q.—Do you recollect a Chinaman that died in that ward in May, eighteen hundred and sixty-five?

A.—I do.

Q.—How long had he been in that ward when he died?

A.—I do not know how long; he was there when I took charge of it.

Q.—What was his condition when you first saw him?

A.—He was in rather a feeble state of health, although he was not confined to his bed at that time.

Q.—Did you have to use any harsh means with him to control him?

A.—No, sir.

Q.—Did you ever have to put leather gloves on him?

A.—We had to put wristlets on him and strap him to the bed—that is, after he was too feeble to be about the ward; he was in the habit of rolling off the bed.

Q.—How long did you have to keep him strapped to the bed before he died?

A.—I would say somewhere near ten days, as near as I can remember.

Q.—How often did the physicians see him during that time?

A.—Doctor Thorndike saw him every morning.

Q.—What medical treatment did he have during that time?

A.—I don't remember anything more than an astringent.

Q.—What kind of food did he have during that time?

A.—Sometimes I gave him gruel, sometimes toast, potatoes—anything that I could get him to eat.

Q.—Was he averse to eating anything during his last sickness?

A.—He was.

Q.—Did anybody else attend to feeding him during that time besides yourself?

A.—Yes, Sir; Mr. Crane.

Q.—How did you give him his food when he was strapped on the bed?

A.—By setting him up; he was not strapped down so tight that he could not be raised up.

Q.—Could he feed himself when he was raised up, or did you have to feed him?

A.—He could feed himself until about the last week, when I had to feed him.

Q.—Where was Seifert during this time?

A.—He was in the ward—the fourth ward—a portion of the time; perhaps one third of his time he was in the yard.

Q.—Was he not assisting in the dining room during that time?

A.—Yes, Sir; it always required two of us in the dining room when the patients were eating.

Q.—How many assistants did you have with you in that ward?

A.—I had two up to the eighteenth of May.

Q.—Mr. Seifert stated in his testimony up in Sacramento the other day, that you had abused this Chinaman very badly, and had refused to let him give the Chinaman anything to eat; will you state whether that is so or not?

A.—I never abused the Chinaman in any way, neither was there ever a time, at meal time, that either myself or Mr. Crane did not take food to this Chinaman; I generally sent food by Crane to this Chinaman; when he refused to eat for Crane I would go and try and persuade him to eat myself, and sometimes I could not persuade him to eat myself; sometimes he would miss one or two meals; when such was the case I always reported him to Doctor Thorndike, and he would come in the morning or evening.

Q.—Did Seifert ever say anything to you about taking something to that Chinaman to eat?

A.—Not to my recollection; he would not need to do that, because we always had food in the dining room that he could go and get and take to the Chinaman if he was so disposed.

Q.—At what time of the day or night was it that the Chinaman died?

A.—I can't say positively, but I think it was in the forenoon.

Q.—Was he strapped down to the bed at the time he died?

A.—No, Sir; I took the straps off him the morning before he died.

Q.—How long before he died was it you took the straps off him?

A.—I took the straps off him soon after breakfast, but I can't say whether he died in the forenoon or afternoon.

Q.—What induced you to take the straps off that morning?

A.—Because he became more passive, and I did not think it necessary to keep the straps on any longer.

#### CROSS EXAMINED.

Q.—State more in detail the necessity for putting straps on him?

A.—He was in the habit of getting off on to the floor, and laying there in preference to laying on the bed, and I obtained permission from the Doctor to put them on him.

Q.—Was it, then, your object to prevent him from injuring himself?

A.—That was the object.

Q.—Did you ever strike this Chinaman, or use any violence on him?

A.—I never did.

Q.—Was he raving at this time?

A.—No, Sir; not to himself; he was too feeble to injure any one when I first went into the ward.

Q.—How were these straps put on?

A.—I first put one strap round his right wrist and fastened it to the rail of the bed next to the wall. This was not sufficient to keep him on the bed, and I was obliged to put them on both wrists, a strap passing through these wristlets, and round his body; then there was another strap passing through at each elbow and round the railing of the bed.

Q.—Were his feet strapped to the foot of the bed?

A.—We never had his feet strapped.

Q.—Is it necessary to sometimes strap the feet to the bed in violent cases?

A.—Yes; but I know of only one case of that kind in the ward that I had charge of.

Q.—Please explain how the Chinaman could roll out of bed when you had his wrist strapped to the rail of the bed next to the wall?

A.—He could not get entirely off, but get so that his feet and a portion of the body would get off, and he would hang by one arm.

Q.—Explain how it was after you strapped both wrists and both elbows down to the bed, you could raise him up to feed him without unstrapping him?

A.—The straps were left long, passing round his arm at the elbow, so that we could raise him up.

Q.—If you left the straps long enough to raise him up, what was the use of strapping him to the bed?

A.—The straps were not long enough to let him get off the edge of the bed.

Q.—What was the reason that he could not work his feet and a portion of his body over the edge of the bed just as well after you had strapped both elbows and wrists, as he could when you only had one wrist strapped?

A.—He would only have half the length of his arm to go on when strapped by the elbows; but would have the whole length of his arm when strapped by only one wrist.

Q.—What would be the restraint or effect when strapped upon the elbow, without a strap upon the wrist?

A.—It would be impossible to keep the strap on his arm at the elbow without the strap on the wrists.

Q.—You say he was in the habit of rolling out of the bed, and laying on the floor in preference to laying on the bed, and for that reason you had to strap him on the bed; what objection was there to that—his laying on the floor?

A.—We considered it an injury to him to lay on the floor without any clothing on him but his shirt, as he was in the habit of doing.

Q.—State whether this Chinaman was in the habit of taking off his pantaloons in the ward before he was confined to the bed?

A.—He was; he did it occasionally—some four or five times.

Q.—What means did you take to prevent it?

A.—We put on a pair of leather mittens, these were attached to a strap passing round the body.

Q.—I hold in my hand a card published in the *Stockton Daily Independent*, under date of April fifteenth, eighteen hundred and sixty-five, refer-



ring to a former card published in the same paper, under date of October twentieth, eighteen hundred and sixty-four. The signers of the last card say: "The respective signatures of the undersigned were sought for by Doctor Tilden, or his flunkey, and not voluntarily tendered, and were sought for under such circumstances as to present the alternative, to sign or be discharged from employment. The undersigned did respectively sign, in order to retain their places." Did you sign that card?

A.—I think I did.

Q.—Will you please state to this committee how you reconciled that act with truth and veracity, knowing that you did not sign the first card, to which the last referred, not being an employé of the institution at that time?

A.—I thought at the time that this card referred to the memorial attached to the cane, as well as to the former card, (the cane presented to Doctor Tilden.)

Q.—Then, in signing the last card, you did refer to the first one, as well as to the memorial accompanied by a cane, with a presentation?

A.—Not in signing the last card. I had reference to the first card that was published, that Doctor Tilden read first.

Q.—Did you sign a memorial or card in connection with the cane?

A.—I did, and paid two dollars and fifty cents—either two dollars, or two dollars and fifty cents, I won't be positive which it was—at the request of the Steward. The amount was put down opposite my name before I saw it.

### TESTIMONY OF DENNIS CRANE.

FEBRUARY 8th, 1866.

Dennis Crane, sworn :

Q.—Do you hold a position in the Insane Asylum of this State?

A.—Yes, Sir.

Q.—State what that position is, and how long you have held it?

A.—I was employed last April, by Doctor Tilden, and discharged on the eighteenth of April, eighteen hundred and sixty-five. I was assistant in the fourth ward, under Mr. Doran.

Q.—Were you there at the time of the sickness and death of a Chinaman in that ward?

A.—Yes, Sir.

Q.—Have you heard the testimony of Mr. Weaver in that case?

A.—Partly.

Q.—Having heard the testimony of Mr. Weaver read, what do you say in reference to it—is it true or not? If not in every particular, state in what particular it differs from your knowledge of the facts of the case.

A.—I expect I might say, in all that Weaver states, I concur, with the exception when I fed the patient, I fed him laying in bed, and whenever he refused eating, I reported the case to Weaver. I invariably, during the hours of meals, went twice to him to see if he would eat food.

Q.—Did you ever see Weaver strike a patient in that ward?

A.—I did, Sir, once.

Q.—State who it was, and the circumstances.

A.—In the case of Hamilton; he was in the habit of going into the room, upsetting his bed, which is contrary to the regulations. Weaver

reprimanded him, and with that he struck Weaver, knocked his hat off. Weaver and I took hold of him; we put him out of the room and threw him down; at that he said he would not do it again, and was allowed to get up; that was all.

Q.—Was he choked during that scuffle?

A.—No, Sir; Weaver struck him on the shoulder twice while he was down.

Q.—Did Weaver appear to be angry at this time.

A.—No, Sir.

Q.—For what purpose and in what manner were these blows given?

A.—I believe they were delivered for the purpose of producing the effect that he should know that he was conquered by us; they were a light fall of the hand on the back or side; could not say whether the hand was opened or closed.

Q.—State what other patient, if any, you saw him strike?

A.—Not any one else.

Q.—State when it was that Weaver struck Hamilton, as stated above?

A.—I think it was about May, eighteen hundred and sixty-five.

Q.—Was any report made to either of the doctors about this affair?

A.—I don't know, Sir.

Q.—Who was Steward at that time?

A.—I believe Mr. Winslow was acting as Steward at that time.

### TESTIMONY OF MRS. S. J. DAVIS.

FEBRUARY 9th, 1866.

Mrs. S. J. Davis, sworn :

Q.—What position do you hold in the State Insane Asylum, and for what length of time?

A.—I have been Matron since April, eighteen hundred and sixty-three, and continued to hold it till this time. I have been absent occasionally, by permission of the Superintendent and Directors.

Q.—Do you know anything about the circumstance related by Mr. Arents, in which he states that he found six female patients during the summer (supposed to be the summer of eighteen hundred and sixty-four) shut up in the wood house connected with the female department?

A.—I do not, nor never heard of any such thing before last night.

Q.—Have you ever heard of a circumstance of the kind occurring during the time you have been connected with the institution?

A.—I have not. Never heard of it being used for anything of the kind.

Q.—Were you in the institution during the month of September, eighteen hundred and sixty-four?

A.—I was.

Q.—How many female assistants do you have in this female department?

A.—Twelve in this building, and two in the other.

Q.—How often do you change the bedding during the week?

A.—Once a week generally, oftener if necessary.

Q.—During Doctor Tilden's superintendency, how frequently did he visit the patients in your department?



A.—Part of the time he came once a day, and part of the time once a week. I have known five or six weeks that he did not visit the female department.

Q.—What was his department? What did he during those visits in reference to the treatment of the patients, and what in reference to the general care of the institution? and state in general with regard to the manner, and by whom the patients were treated medically?

A.—He seldom prescribed for the patients; Doctor Clark generally did that. I have often gone into the office in Doctor Clark's absence for medical assistance, when the patients were in extremity, and been told by Doctor Tilden that he would send the Doctor in when he came. I cannot call a single instance when he went himself or prescribed. Doctor Tilden's attention seemed generally attracted to the appearance of the building as to neatness, etc., and to the manner in which the Matron and attendants obeyed his orders.

Q.—How far was your room from the wood house in September, eighteen hundred and sixty-four?

A.—The width of the building and the yard.

Q.—Did your duties call you to the wood house, so that you would have known if any patients had been confined there?

A.—My duties did not call me specially to the wood house, but I passed there dozens of times a day, and I would have heard if there was any one confined there and wanted to get out; besides, each attendant in the female department had a key to the building, and entered every day with the refuse of the wards. The old rags and sweepings were left in there till removed by the man who cleaned the yards, and I am perfectly confident that if any one had been confined there some one of the attendants would have informed me of it, as each one would inform if any of the rules were broken by the others; it was part of their duty to do it.

Q.—Do you recollect the death that occurred in the female department, (Mrs. Adams) and if so, state what her condition was when she came to the Asylum, what was the cause of her death, and all the particulars relative to it, from beginning to end?

A.—Mrs. Adams came on Sunday-morning. She was a fresh, healthy looking woman, very cleanly in her appearance, and when I was told that she had left an infant unweaned at home, I asked and obtained permission from the doctor to remit the bath, which was usual, fearing that it might injure her in her condition. She remained in the third ward during the most of that day, quiet and peaceable; she was sent at night to the first ward to sleep, and placed in the charge of Miss Norris and Mrs. Levison. The next morning when her carpet bag came, they insisted upon her taking the usual bath, and without saying anything to the Superintendent or Matron, put her in on their own responsibility. The first I heard of it, a patient came running to me and said a patient was dead up stairs. I ran up with a bottle of camphor, supposing it was a faint. I found Mrs. Adams on the bed, perfectly livid and cold. Think I remarked to some one that she ought not to have had a bath, from the condition of her breasts, but still I had not the slightest idea that she was drowned. We used all the restoratives we had at hand, several of us rubbing her limbs, rubbing her with camphor, cloths, and hot water. When Doctor Thorndike came in he immediately said she was drowned. When he turned the body over it was proved by the water running out of her mouth and nose freely; still we continued our efforts of resuscitation for some time.

Q.—Was life extinct when you first saw Mrs. Adams?

A.—She did not breathe when I first saw her, but I did not know that she was dead.

Q.—Was Mrs. Levison present during the time you were endeavoring to resuscitate her?

A.—She was.

Q.—Where was Miss Humphries at the time you saw her?

A.—I met her on the stairs, going for the Doctor.

Q.—Will you please state the kind of punishment, if any, that is used to the patients now?

A.—No punishment whatever, that I know of, is allowed. The patients are restrained when necessary to keep them from hurting themselves or others, but never punished.

Q.—Have you not positive orders from Doctor Shurtleff to see that the patients are not treated in any way save in kindness?

A.—I certainly have.

### TESTIMONY OF MISS SARAH HUMPHRIES.

FEBRUARY 9th, 1866.

Miss Sarah Humphries, sworn :

Q.—What position did you hold in the Insane Asylum in eighteen hundred and sixty-four?

A.—Supervisor.

Q.—Do you know of any case of imprisonment of female patients in the wood house at any time during that year?

A.—I do not.

Q.—What means had you of knowing?

A.—I was around all the time, and could not help knowing it. It is the Supervisor's duty to go everywhere in the female department.

Q.—Did any one ever tell you of any such case?

A.—No, never.

Q.—Do you recollect the lady who was said to have been drowned in the bath tub, (Mrs. Adams)?

A.—Yes, Sir.

Q.—Were you Supervisor at that time?

A.—I was.

Q.—Do you recollect who gave her the bath; if so, please state who they were?

A.—Miss Norris and Mrs. Levison.

Q.—How long before she took the bath was it that you saw her?

A.—About twenty minutes.

Q.—What was her condition at that time?

A.—She was perfectly calm.

Q.—Were you present when she had the bath given to her.

A.—No, Sir.

Q.—Did you see her after she came out of the bath?

A.—Yes, Sir.

Q.—Do you know how long after it was?

A.—About two minutes, I should judge.

Q.—Where was she at that time?

A.—On the bed.

Q.—What was then her condition?

A.—I should think she was dying; she was breathing, and I should think, breathing her last.

Q.—What was done towards restoring her to life?

A.—I went and told Mrs. Davis as soon as I saw her, and then went for the Doctor.

Q.—Did you find the Doctor?

A.—I did; I found Doctor Thorndike, and he came in immediately. What he took, I don't know; but he had bottles with him. We took warm water and towels, and rubbed her.

Q.—How long after you went for the Doctor before he came?

A.—He came immediately; it could not have been ten minutes; he came right in after me from the office.

Q.—Whose business was it to see to the patients being bathed when they first came?

A.—I should say it was the Matron's, but it generally fell to me.

Q.—Is there not a rule that requires every patient to have a bath when they first come, whether they want it or not?

A.—There is.

Q.—What kind of a bath did she have?

A.—Cold water bath.

Q.—What kind of baths did they generally give to the patients at that time?

A.—Cold, because there was no warm water unless they brought it from the kitchen; the delicate patients always had warm baths.

Q.—Did you ever have any directions from Doctors Tilden, Clark, or Thorndike, as to what kind of a bath a patient should have, whether warm or cold?

A.—No, Sir.

Q.—What kind of baths do you usually give patients now when they come in?

A.—Warm.

Q.—Why have you changed the rule from cold to warm?

A.—Because we have plenty of warm water now.

Q.—State how often Doctor Tilden visited the female department during the time that you were connected with the institution?

A.—I know that for three months he was not in; if he did come, he must have come to the door—he could not have come on the inside without our seeing him.

Q.—Where was Mrs. Davis, and what was she doing when you come from the Doctor?

A.—Assisting the attendants and rubbing the patient.

#### TESTIMONY OF MISS L. A. MORRISY.

FEBRUARY 9th, 1866.

Miss L. A. Morrissey, sworn:

Q.—What position do you occupy in the Insane Asylum, and how long have you held it?

A.—For the last four years.

Q.—Do you know, or did you ever hear of any patients being locked up in the wood house belonging to the female department?

A.—No; I never did.

Q.—Was your position such that you would have known it, if it had occurred?

A.—My patients were in that yard during the day, and I was frequently with them. The wood house was open often during the day, and I very frequently went in.

Q.—How frequently did Doctor Tilden visit the patients in the female department?

A.—Sometimes once a day—sometimes not for six weeks, or three months; sometimes, it would be two and three weeks. Sometimes when a patient was very sick, and I would go after him, he would not come in; once, when I thought a patient was dying, Mrs. Tittle went after him, and he did not come.

Q.—How often does Doctor Shurtleff visit the patients?

A.—Every day; sometimes two or three times a day.

Q.—Have you ever known Doctor Shurtleff to fail to visit a patient when sent for?

A.—No, Sir.

#### TESTIMONY OF MISS M. ROBERTS.

FEBRUARY 9th, 1866.

Miss M. Roberts, sworn:

Q.—How long have you held a position in the Insane Asylum?

A.—Three years the last of November, eighteen hundred and sixty-five.

Q.—What position is it that you hold?

A.—Attendant.

Q.—Did you ever know, since you have been in the Asylum, any of the female patients to be locked up in the wood house belonging to the female department?

A.—No, Sir; never.

Q.—Could such a thing have been done without your having known it?

A.—No; it could not.

Q.—What opportunities did your position give you for learning of such an occurrence, if it had happened?

A.—I was occasionally in there, a great many times during the day, and there could not have been any one in there without my knowing it. I was in there several times every day; the wood house door was not locked half of the time. Doctor Tilden used to leave orders often to have the door locked, but it was not done so.

Q.—How frequently did Doctor Tilden visit the patients in the female department?

A.—Sometimes he would visit them once a day, but at times he would not come for several days; then, one time, it was between two and three months—think it was all of three months that he did not come at all. When he did come, he prescribed for a great many; more than he ever did before.

## TESTIMONY OF MRS. E. M. TITTLE.

FEBRUARY 9th, 1866.

Mrs. E. M. Tittle, sworn :

Q.—Have you been Matron of the Insane Asylum, and when were you first appointed?

A.—The first day of May, eighteen hundred and sixty-two—the second year of Doctor Tilden's administration.

Q.—Have you ever known of the female patients being punished?

A.—Yes, Sir; I called it punishment; Doctor Tilden called it medical treatment.

Q.—What was the mode of punishment?

A.—He (Doctor Tilden) has ordered them to have baths when they were unruly, boisterous, unmanageable; he has also had them jacketed and sent to the cells because they would not sew in the sewing room; also quiet patients sent to the cells because they told him he was drunk.

Q.—How were the baths administered that were administered for punishment for the correction of patients?

A.—By putting them in the bath tub and holding their heads under the water till they promised to be good and not do so any more; it was very common when I first went into the institution; it was almost a daily occurrence; it was not always done by Doctor Tilden's orders, but had been a custom so long that the attendants done it without consulting anybody; they did not even consult me when I was Matron; it was not abolished till some months after I came into the institution, and then it was in use when ordered by Doctor Tilden; I asked him what he called it; he said it was medical treatment.

Q.—What do you know, if anything, about Doctor Tilden neglecting sick patients?

A.—I frequently went in to ask him to come in and see sick patients, also unruly patients. When I would go in to speak to him about it he would treat me oftentimes with silent contempt; at another he would say he was not ready now; and when telling him that a patient was dying, he said he could not save her if she was, and then not visit the wards afterwards for days—a number of days after being called upon.

## TESTIMONY OF MRS. JANE CROOKS.

FEBRUARY 9th, 1866.

Mrs. Jane Crooks, sworn :

Q.—What position did you hold in the Insane Asylum in the month of September, eighteen hundred and sixty-four?

A.—I was the head attendant of the second ward.

Q.—Do you know anything about some five or six patients having been confined in the wood house attached to the second ward?

A.—No, Sir.

Q.—If such had been the fact, would you not have known it?

A.—Yes, Sir.

Q.—State the means by which you would have known it, if such had been the case?

A.—By having free access to the wood house. The wood house is a place where we put in dirty clothes, sweepings, etc., and consequently had to go there frequently.

Q.—Were you here in the month of September, eighteen hundred and sixty-four, or were you away on leave of absence?

A.—Sometimes I am away on leave of absence in the fall, and sometimes in the spring, but believe I was home in September, eighteen hundred and sixty-four. I was told by Mr. Arents that while I was away in June, the same year, Mary Mahoney, one of the assistants, had locked a patient up in the wood house.

Q.—Did Mr. Arents ever say anything to you about the six patients being locked up in the wood house?

A.—No, Sir; only the one.

Q.—When Mr. Arents told you about the patient being looked up in the wood house during your absence, what did you say to him?

A.—I believe I said to him, "Indeed!" and he said, "Yes;" then I told him if I had been home it would not have been done.

## TESTIMONY OF JOHN A. ROBERTS.

FEBRUARY 9th, 1866.

John A. Roberts, sworn :

Q.—What position do you hold in the Insane Asylum, and how long have you held it?

A.—Engineer; about four years.

Q.—Did you know a man by the name of Seifert that once held a position in this institution?

A.—I did.

Q.—Did you ever have any conversation with him relative to the death of a Chinaman who died in Mr. Weaver's ward?

A.—I did not.

Q.—Did he ever say anything to you about anything he had said against Weaver in connection with the death of a Chinaman in the Asylum?

A.—He did not.

Q.—Did he ever say anything to you against Weaver?

A.—He did.

Q.—State everything he said to you in that connection?

A.—He came over to the engine room. He told me that some one had been reporting him to the Doctor, and he thought it was Weaver, and he said: "I will be damned if I don't get revenge on him before I leave here." That is all I recollect.

## TESTIMONY OF MICHAEL MULVIHILL.

FEBRUARY 9th, 1866.

Michael Mulvihill, sworn :

Q.—Are you employed at the Insane Asylum?

A.—Yes, Sir.

Q.—In what capacity?

A.—As hostler.

Q.—How long have you occupied that position?

A.—About four years.

Q.—Did you know a man by the name of Seifert who was an assistant under Mr. Weaver?

A.—Yes, Sir.

Q.—Did you ever have any conversation with him relative to the death of a Chinaman who died in Weaver's ward?

A.—Yes, Sir.

Q.—State that conversation as nearly as you can recollect it?

A.—He came out to the stable to me, and told me that Mr. Weaver killed the Chinaman. I did not pay any attention to him at the time. He came back the next morning, and asked me if I did not remember what he told me the day before. I told him I did not. He said that he never said anything against Weaver; it was all false. That is all I know about it.

## TESTIMONY OF GEORGE DAVIS.

FEBRUARY 9th, 1866.

George Davis, sworn.

Q.—What position, if any, do you hold in the Insane Asylum, and for what length of time have you held it?

A.—I am assistant in the eighth ward, and have held it since the sixteenth of October, eighteen hundred and sixty-five.

Q.—Did you ever hold any position in the Asylum prior to that time?

A.—No, Sir.

Q.—Please state what instructions you received when you first came as to the treatment and management of the patients, and from whom you received them.

A.—At the time I was employed by Doctor Shurtleff he asked me in regard to my temper, if I had a quick temper, or if I could control my temper, and was not passionate. I told him I thought I could control my temper sufficiently to get along with the patients. He said he did not allow them to be struck, kicked, nor punished in any way. I believe that is all the instructions I received from him at that time.

Q.—What pains does he take to know whether the patients are mistreated or not?

A.—Well, I don't know that; I can't answer that. He comes through the ward almost every day, and I being an assistant in the ward, I do not go through the ward with the Doctor. It is the attendant's place to go through the ward with the doctors. I frequently see him talking

with the patients as he goes through, but I am not always in hearing distance, and could not say upon what subjects he is talking.

Q.—Do you know of his giving instructions to the Supervisor relative to the treatment of patients?

A.—I do not know what instructions he has given the Supervisor; never heard him give him any.

Q.—Have you received any from the Supervisor yourself in regard to the treatment of patients?

A.—No, Sir; I don't remember of ever receiving any.

Q.—What has been the general treatment of the patients in every respect since you have been here?

A.—I have been in two wards since I have been here. When I first came here I went into the second ward. I was there about four weeks. From there I was transferred to the eighth ward, where I now am. In both these wards that I have been in, we have shaved the men on Monday, and on Tuesday bathed them and given them clean clothes; we do that every week. We also comb their head with a fine comb the day we shave them. The sheets on the beds we change once a week, and whenever their blankets get unclean we have them washed. The rooms that they sleep in are swept and dusted every day, and we frequently mop them out, when they get so that they need it. The patients are treated kindly in all the wards I have been in. The clothing I think is suitable clothing; the pants are heavy woollen pants, for winter. When I first came here the weather was warm, and a good many of them wore cotton pants; they also have cotton undershirts, what they call "hickory shirts," and a woollen overshirt. They have good shoes, and woollen socks. Their food: in the morning for breakfast they have bread and coffee; in addition to the bread and coffee, though it is not regular every morning, rice mush; sometimes it is hash, meat and bread together; sometimes it is cracked wheat mush, and sometimes it is cornmeal mush. That is all the change for breakfast that I remember or think of now. For dinner they have bread, soup, meat, beets, potatoes, and cabbage. This is not the regular dinner that they have every day, there are changes, but always have some kind of vegetables. For supper they have bread and tea.

Q.—Have you ever known of one single instance of mistreatment of patients since you have been there?

A.—No, Sir.

Q.—Did you ever know of the Supervisor recommending punishment to be inflicted upon the patients, of any kind whatever?

A.—No, Sir, I never have.

Q.—Have you ever been told by the Supervisor that the patients must be treated kindly?

A.—No, Sir.

## TESTIMONY OF JOHN MORRESY.

FEBRUARY 9th, 1866.

John Morresy, sworn :

Q.—What position do you now hold in the Insane Asylum, and since when have you held it?

A.—Supervisor; since the first day of March, eighteen hundred and sixty-four.

Q.—What is the general character of your duties as Supervisor?

A.—The general supervision of wards, patients, and employes of the male department.

Q.—Have you ever had any instructions from Doctor Shurtleff as to the manner of the treatment of the patients; if so, at what time, and what were those instructions?

A.—I have, several times. To instruct the attendants to use the patients well, and if any one was caught ill-using them, to report to him. He frequently told me that any attendant would be immediately discharged if found ill-using the patients.

Q.—In what manner have the patients been generally treated since Doctor Shurtleff took charge of the institution?

A.—Kindly, as far as I know.

Q.—How often does Doctor Shurtleff visit the patients?

A.—He goes through every morning regular; about every morning—that is, when he is at home—he is through the wards several times through the day, different parts.

Q.—How are the patients fed and clothed?

A.—Sufficiently, to my knowledge.

Q.—Have you ever known of any patient to be mistreated in any way?

A.—No, Sir, not in Doctor Shurtleff's time, but once in Doctor Tilden's time.

Q.—State who that was that was mistreated, who mistreated him, and what that mistreatment consisted of?

A.—Samuel Myers; mistreated by, I think, Isaac Hathaway. The patient attacked him, and he struck the patient back. I witnessed it, and reported it to Doctor Tilden, and he was discharged. This happened several months before Doctor Tilden left here.

Q.—Did you ever know of any patients being punished by order of Doctor Tilden, and what did the punishment consist of?

A.—I did; by ducking in the bath tub, by lying on his back and turning the faucet on his face, and holding his head under. Pants and shirt on; clothes changed afterwards.

Q.—What was this punishment for?

A.—For spitting in his face.

Q.—Is that the only case, or do you know of more similar punishment?

A.—I can't swear to only what I have seen, but I knew it to be the rule or custom when Doctor Tilden first came here. This custom was not to be inflicted on the patients until he ordered it.

Q.—Is there any such rule or custom in the institution now?

A.—No, Sir.

Q.—Are patients punished in any way?

A.—No, Sir.

Q.—Is this mode of punishment forbidden now?

A.—Punishment of any kind is forbidden now.

Q.—Since the discontinuance of all kinds of punishment, are the patients more uncontrollable, disobedient, or noisy than before?

A.—I think less.

Q.—Are there any irons of any kind in this institution used for the purpose of restraining patients?

A.—Not to my knowledge.

Q.—What disposition was made of the irons that used to be in the institution?

A.—Doctor Shurtleff gathered them up and sent them away.

Q.—What did those irons consist of, and the number of them?

A.—Handcuffs; some five or six pairs.

Q.—Were those irons ever used, to your knowledge, during Doctor Tilden's administration?

A.—No, Sir.

## TESTIMONY OF W. MORRESY.

FEBRUARY 9th, 1866.

W. Morresy, sworn:

Q.—What position do you hold in the Insane Asylum, and for what length of time have you held it?

A.—I am attendant in the second ward since the sixteenth of May, eighteen hundred and sixty-five.

Q.—What character of patients do they place in that ward?

A.—They put in the violent cases there; also, the stupid and filthy cases.

Q.—What instructions did you receive relative to the treatment of the patients in that ward, and from whom did you receive them?

A.—When I first went into the ward, I received them from Doctor Clark. My instructions were never to use any harsh treatment to the patients; since, I have received instructions from Doctor Shurtleff, pretty much the same as from Doctor Clark, never to use any violence or any more force than was necessary for securing the patient, and if I saw anything of the kind, to report to him, and he would have him discharged.

Q.—State generally the treatment that the patients in your ward receive?

A.—They all have a bath once a week, they are shaved, clean clothes all through; get plenty to eat, and have a good bed to sleep in.

Q.—How frequently does Doctors Shurtleff and Clark visit your ward?

A.—Doctor Clark is through every day, and generally, Doctor Shurtleff; once in a while a day that he does not.

Q.—Did you ever know of any punishment being inflicted upon any patient in your ward?

A.—No, Sir.

Q.—Do you know of any punishment being administered to patients during Doctor Tilden's administration; if so, state what it was?

A.—No, Sir; can't say that I do.

Q.—How long do you expect to remain in the employ of the institution?

A.—Until the first of next month.

Q.—Why do you expect to leave then?

A.—I thought to better myself by going over the mountains, and I notified Doctor Shurtleff this morning that I intended to resign.

Q.—During Doctor Tilden's time in the institution, did he regularly visit your ward?

A.—No, Sir.

Q.—How frequently did he visit it?

A.—When I first went into the ward, he used to come round two or three times a week, but after that he got so that he did not come more than about once a month; there was one spell that he did not come into the ward for three months. I did not see him.

Q.—What ward were you in at that time?

A.—I was in the sixth ward.

Q.—What is the character of the patients that are put in that ward, curable or incurable?

A.—Some of both classes, I should judge.

### DENNIS CRANE, RECALLED.

FEBRUARY 9th, 1866.

Q.—Did you ever have any conversation with Seifert in connection with the subject of the death of that Chinaman?

A.—I did.

Q.—State what that conversation was, as nearly as you can recollect.

A.—Seifert came to my place of residence, in Stockton, and said that he wanted me to come with him for the purpose of proving charges against Weaver, the attendant in the fourth ward, for ill-usage and bad treatment to the Chinaman called Ah Fat; I said to him that he must have been mistaken, as I generally attended to the patient myself, and that he was as well attended to as it was in my power to do so; so that if he had any charges to prove against Weaver he must do so without me. That is about the substance of the conversation that occurred between him and me; he said: "Then I can't do anything in the case."

### TESTIMONY OF AUSTIN SPERRY.

FEBRUARY 9th, 1866.

Austin Sperry, sworn:

Q.—What position do you now hold in the Board of Directors of the State Insane Asylum?

A.—At present I am Chairman.

Q.—Are you acquainted with Doctor Whitney, one of the Board of Medical Visitors?

A.—I am slightly acquainted with him.

Q.—Did you have a conversation with him relative to the death of one James Lilly; if so, please state at about what time, and the substance of the conversation as nearly as you can recollect it?

A.—I asked Doctor Whitney (on the wharf, at the boat, as he was about to leave) whether he thought the injuries on the body of Lilly were inflicted before or after death? He replied: "I have been Coroner for many years in my life, and, as a physician, I don't hesitate to state that the injuries must have been inflicted after death." This was about the time the inquest was being held on the body of Lilly.

Q.—Was Doctor Whitney here during the time the inquest was being held on the body of Lilly?

A.—I don't know; I met him at the boat.

Q.—You state you don't know whether it was before or after the ren-

dition of the verdict of the jury; can you state whether it was before or after the disinterment of the body that you saw him at the boat?

A.—I don't know when the body was disinterred.

Q.—Who was present at the time you had this conversation with Doctor Whitney at the boat?

A.—Doctor Shurtleff, I think he was there.

Q.—Did he give you any other reasons for saying that he did not hesitate to state that it was done after death than those you have mentioned?

A.—Not that I remember, as I only saw him for a few moments; that is all I have to state.

### TESTIMONY OF DOCTOR G. A. SHURTLEFF.

FEBRUARY 9th, 1866.

G. A. Shurtleff, sworn:

Q.—What position did you hold in the Board of Directors of the State Insane Asylum at the time of the death of Lilly?

A.—President of the Board.

Q.—Do you know if there was an inquest held over his body, and if so, at about what time?

A.—I did not witness the inquest; but I know that there was an inquest held over the body; it was between the second and seventh of June, eighteen hundred and sixty-five.

Q.—Did you see Doctor Whitney here at about that time?

A.—I did.

Q.—Were you present at a conversation between him and Mr. Sperry, relative to the death of Lilly?

A.—I was.

Q.—Please state all that occurred, and all that was said on that occasion.

A.—Mr. Sperry inquired of him whether in his opinion the injuries upon the body were inflicted before or after death. He expressed the opinion that they were inflicted after death.

Q.—Did you understand from him that he had seen the body?

A.—I understood from him that he had seen the fragments or fractured bones, and I saw Doctor Langdon exhibit to him the heart.

Q.—Did you understand from him in what manner he got to see the bones?

A.—I did not.

Q.—At what place did this conversation take place?

A.—On the levee or wharf in the City of Stockton.

Q.—Do you know whether Doctor Whitney was present during the post mortem?

A.—I do not.

Q.—Do you know whether he heard a portion of the testimony during the inquest?

A.—He heard a portion of the testimony, I know.

Q.—Do you know how much of that testimony he heard?

A.—I do not.

Q.—Do you know whether he had an opportunity of reading all the testimony before expressing the opinion to which you refer?

A.—I do not.

Q.—Have you ever written to Dr. Whitney, asking him to give you his opinion as to the time these injuries were inflicted on the body of Lilly?

A.—I have.

Q.—Have you ever received an answer to that letter?

A.—I have not.

Q.—At about what time did you write that letter, and what induced you to write it?

A.—I wrote the letter soon after—probably about two weeks; I don't recollect the exact time. I was induced to write the letter because I believed myself the injuries to have been inflicted after death, and believed from a conversation I had had with him (Dr. Whitney) that he was of the same opinion. My object was, as I stated in the letter, to make public use of his answer, if he had no objection. What induced me to write the letter at that time, was information from Dr. Langdon, who had recently seen Doctor Whitney in San Francisco, to the effect that he (Dr. Whitney) intimated to Doctor Langdon that he was willing to give his opinion, as previously expressed in the City of Stockton, to the Board of Directors in writing. Had it not been for that information I should not have written to him.

#### TESTIMONY OF DOCTOR LANGDON.

FEBRUARY 9th, 1866.

Doctor Langdon, sworn :

Q.—Did you assist in making a post mortem examination on the body of one James Lilly, in the City of Stockton, about the second of last June?

A.—I did.

Q.—Please describe the condition in which you found that body.

A.—I found there were fifteen fractures of the ribs, six being on one side, and nine on the other. I think those were the number of ribs fractured. There were other fractures of the same ribs, amounting in all to twenty-six fractures, including a fracture of the sternum. I found no external injury, nor internal, nor extravasation, or any other evidence of injury of the soft tissues. I found no injury on any other part of the body than the ribs, except a dislocation of the clavicle, and the fracture of the sternum referred to.

Q.—What was the condition of the broken bones?

A.—The man was a weak and feeble man—very anemic, and, as a consequence, all the muscular, nervous, and bony structure were in a feeble and unnatural condition; of course in an abnormal condition. The ribs was smaller than those in a stout, healthy man; the bones, however, seemed quite firm for a man of his condition; the character of the fractures were transverse, scarcely or any splintering—I believe but one instance of where the bones splintered. I found the surface of the skin in a partially decomposed condition, but no evidence, as I have said before, of violence. The bones I did not consider friable, by any means, but, as a matter of course, a much less force would produce this

injury, in the condition described, than would be required on a stout, athletic man; so also would the powers of life be less, and, to such an enfeebled person, death, from such an injury, would result far quicker than to more vigorous men.

Q.—Where the bones are transversely broken, and not splintered, what, in your opinion, as a physician, would such evidence indicate as to whether they were broken before or after death?

A.—The mere fact of the splintering of the ribs does not hinge upon the fact whether the injury was done before or after death; but upon the powers of resistance: thus, the ribs would more likely to be splintered when a man enjoys the power of muscular resistance; but, even after death, bones of strong and vigorous character may be splintered, while weak and delicate ones would only be fractured transversely. I know the fact, that ribs may be fractured obliquely and splintered after death, from experiments on dead animals.

Q.—You have stated that in your examination of the body of Lilly there were no extreme evidences of violence. Are we to understand by that that there was no depression of the chest?

A.—No, Sir; I mean that there was no abrasion, extravasation, or echymosis. There was, I observed, some slight depression before opening the chest.

Q.—Was the depression you refer to general or partial; if partial, to what part of the chest was it confined?

A.—It was general, that is to say, occupying that portion of the chest involving the fractured ribs. The depression, however, was not very great. I could see that the chest, instead of being arched, was somewhat depressed.

Q.—Have you not found, in your experience as a physician, persons in comparative good health with flattened or depressed chests?

A.—To some extent, but not to the extent referred to in this instance.

Q.—Did the amount of depression in the case of Lilly indicate the extent of injury to the ribs and other bones of the chest revealed in the post mortem.

A.—It revealed the fact that the ribs were broken, but to what extent it was not known till after the post mortem examination.

Q.—You say there were twenty-six fractures producing this amount of depression you refer to, without any injury whatever to the adjacent soft parts.

A.—Yes, Sir.

Q.—Could such injuries be received as you describe, where the vital parts were not injured, without producing immediate death; and if so, give your reasons?

A.—In a stout, athletic man, (if death was not coincident with the injury) he could not survive but a few hours; but, in a weak, feeble, and anemic man, with a heart flaccid, and not weighing over five or six ounces, I think death, if not instantaneous, would be comparatively so. Persons may live under favorable circumstances, with several of their ribs broken, but, when it is to the extent as in the case referred to, respiration can not be maintained; moreover, the shock itself would be sufficient to produce death.

Q.—Please state what part of the system receives the shock under such circumstances that occasions death?

A.—First: the ganglion of the great sympathetic nerve and the pneumogastric nerve receives the force of the shock, and this is diffused over

the whole nervous system, involving the nerves of the heart, as well as all the functions of the body.

Q.—Do I understand you that the nerves referred to, and their influences upon the heart and other organs, are not among the vital organs of the human system?

A.—I never said that they were not; but I now say that the vitality of every organ and function depends upon the healthy action of the nerve, in a great degree, to which it is allied. Any force sufficient to paralyse either of the two nerves above referred to is sufficient to produce death.

Q.—Did you find in the post mortem any part of the fractured ribs pressing upon the ganglion and pneumogastric nerve referred to?

A.—My attention did not turn to that condition, nor is it necessary that there should be any pressure, or even direct contact.

Q.—If the vital organs were not injured, or any membranes adjacent to the fractured ribs, what produced death?

A.—The post mortem revealed the fact, as I conceived to my mind, that these injuries were inflicted after death; of what disease he died I know not, having never seen him until the day the autopsy was made. I arrived at this conclusion from the reasons already given, and further, because there was wanting any injury to the soft parts—a fact which could result only, in my opinion, from a blow on a dead body.

Q.—How could such an injury on a dead body, occasioning so many fractures of the ribs, together with the sternum, and dislocation of the clavicle, occasion no more depression of the chest than you describe?

A.—I account for it on this hypothesis, that the bones, small and fragile, yielded readily without a great deal of force being applied.

Q.—Please state how that accounts for the want of depression such as you describe?

A.—If a force sufficiently strong as to destroy all the muscular attachments, the depression would have been greater; or to make it more plain, after these fractures had occurred where the soft tissues connecting the ribs divided, the ribs so divided would have fallen into the cavity of the thorax.

Q.—Do you believe that any force can be externally applied to the chest sufficient to break up all the muscular attachments?

A.—They could be lacerated to a very great extent.

Q.—Please state the attachment of what muscles would be broken up by the application of such force?

A.—In the first place, the pluri, which stands as a wall—the intercostal and pectoral muscles.

Q.—Could sufficient violence be inflicted on a living human body, three days before death, as would produce twenty-six fractures of the ribs, breaking some of the bones in pieces not more than one and a half inches long, without causing either extravasation, effusion, echymosis, or leaving any traces of inflammation?

A.—It could not.

Q.—Did you ever have a conversation with Doctor Whitney in regard to his opinion whether the injuries inflicted upon Lilly were before or after death; and if so, please state when, where, and what that conversation was?

A.—My first conversation with him was during the pending of this case before the Coroner's jury. He was present one day when the testimony was given in. My testimony I think he heard; what other testimony he did not hear, he read. He then turned—after remarking to me

that it was a plain case—to the Coroner, and said he to him: "Sir, I have been a Coroner many years, and if I were Coroner now, I should feel it my duty," or "my duty authorized"—I don't remember the phraseology, one way or the other—"to say to the jury that the injuries done to Lilly's body were inflicted after death." I subsequently saw him in San Francisco, when this matter was talked over again between us, he still entertaining the same views. I then asked him if he would give a letter to the Board of Directors at Stockton, embodying this view. He said he had no objection to do so, but he did not like to seem officious; but if they would address him a letter, he would answer it, reiterating the substance he had previously stated. Accordingly, I stated this circumstance to Doctor Shurtleff. I again saw Doctor Whitney, some two weeks afterwards, in San Francisco. He stated that he had received a letter, but which did not appear to be authorized by the action of the Board of Directors, and that he preferred not answering it, but he would embody the facts in his report to the Legislature.

Q.—How long have you practiced your profession in Stockton?

A.—About fourteen years; fourteen or fifteen years.

Q.—Have you ever held any position in the Insane Asylum in this place, and if so what, and for what length of time?

A.—I have—nine months. I was Resident Physician.

Q.—State what in your opinion, taking into consideration the climate, the soil, and all of the surroundings of the City of Stockton, is its adaptation for an Insane Asylum, and your reasons for your opinion?

A.—I think it one of the most eligible locations I know of. First—From the fact that it records more cures than almost any similar institution in the United States, or even in Europe. Second—The climate is the most equable and salubrious of any that I have experienced in this State, or any State. With but few exceptions, (and that but for a short period,) the climate is uniformly temperate, free from the cold of winter and heat of summer. There are but a few days in summer that may be called hot, and so invigorating are the breezes of the evening, that the next day one arouses refreshed. There are less enervating and debilitating influences than in any climate I have ever experienced. Third—Contagious diseases or epidemics rarely spread to any great extent. Small pox and cholera have been introduced here, but soon went their way, leaving only a few isolated cases. Many diseases, such as diphtheria, croup, and the like, which in other places are very fatal, are here harmless, which result I can attribute to no other cause than climatic influences.

Q.—Did you ever practice medicine in any other part of the State; if so, how long?

A.—I have not; the facts as stated are derived from information received from other sources than my own practice.

Q.—Does your practice take you out of the City of Stockton into sections of country of entirely different topography and climate; and if so, how far from Stockton?

A.—Varying from sixty miles down.



## JOHN A. VANCE, RECALLED.

FEBRUARY 10th, 1866.

Q.—Was this a formal consultation between the doctors of the Asylum, or was it merely a conversational matter?

A.—It was a conversational matter, such as usually occurred when entering the causes of death sometimes extending over the space of a month or more.

Q.—Did you hear at that conversation any suggestion from Doctor Clark or from Doctor Thorndike that this peculiar case should be recorded as a case of congestion of the brain?

A.—I do not remember any; my attention was always given to the record itself.

Q.—Had you at any subsequent period any conversation with Doctor Tilden with regard to the matter of that record? if so, state what that conversation was, the time at which it occurred, as near as you can remember, or its purport.

A.—I had a conversation with Doctor Tilden—the time I cannot state positively, but think it was about the time he was writing some articles for publication in the *Bulletin*. I think he asked me if I remembered who made that record. I stated that I thought he and all of the physicians were present. I think he answered that he was not. I then said that I did not state it as a positive fact, but that it was my impression.

Q.—What were your reasons for stating that you did not state this as a positive fact, but that it was your remembrance, and did you not, at the time you made this statement, recollect that it was a positive fact?

A.—At that time I had not thought much about it, but believed strongly that my memory was correct, and if Doctor Tilden thought differently, it was of no importance to me to express a different opinion.

Q.—Were not your personal relations with Doctor Tilden at that time of a very friendly character?

A.—They were.

Q.—Did not the sentiments of friendship you entertained towards him at that time influence you to some degree in making that statement?

A.—I think not; our relations in the office were necessarily intimate, and any strong difference of opinion would make it unpleasant.

Q.—Were you not positive in your own mind, at the time you made this statement to Doctor Tilden, that the record in the case of the death of Catherine Adams was made by his order.

A.—I had not given this thing any great amount of thought, but my belief was that the record was made as before stated.

Q.—How long after this record was made before the articles in the *Bulletin* referred to appeared in print?

A.—I don't know; I have no means of knowing at what time these articles were published in the *Bulletin*; they were numbered one and two; I think they were all that were published.

Q.—What are your present relations with Doctor Tilden?

A.—Friendly, Sir, as far as I know.

## DOCTOR G. A. SHURTLEFF, RECALLED.

FEBRUARY 10th, 1866.

Q.—State how long you have been one of the Directors of the State Insane Asylum?

A.—I was elected in eighteen hundred and sixty-one a Director, and was elected President of the Board in eighteen hundred and sixty-two, which office I held until August first, eighteen hundred and sixty-five.

Q.—State all you know relative to contracts that have been made by the Directors for furnishing the Asylum with potatoes, beef, flour, groceries, blankets, clothing, etc., since the commencement of your term of office as one of the Board of Directors.

A.—The estimates for the purchase of those articles are made by the Resident Physician, stating the amount of each article required. The Board of Directors then advertise for bids for the supply of such articles in the quantity called for by the Resident Physician. The contracts have always been given to the lowest bidder upon the bidder executing a bond for the faithful performance of the contract, the goods to be delivered at the Asylum subject to the acceptance of the Resident Physician. In the matter of the hay contract, a requisition was made by the Resident Physician for furnishing, according to the best of my recollection, from fifty to seventy-five tons of oat hay, and from thirty to fifty tons of straw, with a man by the name of Wells. After delivering a portion of the hay and straw, it was contended by Wells that he should not be required to furnish the larger amount of hay, and only the smaller amount of the straw, as he bid with the understanding that the institution would require the relative proportions of each designated, and he was about, I think, to cease to deliver the hay unless allowed to furnish in those proportions; that is to say, that if he furnished the larger amount of hay, he should be allowed to furnish the larger amount of straw called for in the bid. After considering the matter we allowed him to deliver the articles in that way, that is the smaller amount of each. We, however, advised with business men, and many, most, I think, were of the opinion that the demand of Wells was founded in justice and equity. At any rate we believed that in a pecuniary point of view the State would be the gainer by taking the course we did rather than have any litigation about it. Mr. Arents in his testimony has stated, according to the best of my recollection, that the straw was valueless to the State; if so, the entire responsibility rests with himself and the Superintendent. The custom was for the Steward, who was Mr. Arents at the time, to make out the list of articles required, for the Superintendent, and the Superintendent from that list made out his estimate, and from thirty to fifty tons of straw were in that estimate. As regards that contract for potatoes with Hale & Newell, I would state that according to the best of my knowledge and recollection they never furnished any bond with the penal obligation of one thousand dollars for the faithful performance of a contract to supply potatoes for six months, commencing May, eighteen hundred and sixty-four. They gave an instrument of writing, which the Directors believed to be not a good bond, and they were so informed by Judge Underhill, a lawyer and a member of the Board. So they required a bond in legal form. They at that time, or about that time, appointed Judge Underhill a committee to draw up a blank form of bond, which was done, and one was furnished Hale &

Newell to be filled up and executed, which was done, and delivered to the Board of Directors. The delay in the matter was caused by the time taken to prepare the blanks and have them printed. That bond was for three hundred dollars. The whole amount of potatoes purchased during that term of six months was forty-nine thousand six hundred and fifty-two pounds, which at the contract price would have cost seven hundred and nineteen dollars and ninety-five cents; but at the expiration of two months the bond was forfeited, and the potatoes were purchased at the market price, and they cost one thousand three hundred and eighty-eight dollars and twelve cents. They paid, however, the three hundred dollars forfeit, which left three hundred and sixty-eight dollars and seventeen cents that the State lost by the forfeiture of the bond, or giving up the contract. But I deny for myself having any intention to show any favor to Hale & Newell, or to neglect the interest of the State. As an evidence of this, on giving out the bids for supplies for the six months immediately following, Hale & Newell were again the lowest bidders, but the Board, believing the bid was too high, and in view of past transactions, refused to award to them the contract, and potatoes were purchased during that period at the lowest market price for cash. The whole amount of potatoes purchased was thirty-five thousand nine hundred and ninety-four pounds, which at Hale & Newell's bid would have come to one thousand seven hundred and ninety-nine dollars and seventy cents, but which, as purchased by the Board, cost only one thousand four hundred and ninety-seven dollars and forty-two cents. Amount saved to the State, three hundred and two dollars and twenty-eight cents. During the four years and a half in which I have acted as Director I never have shown any favor or partiality to any contractor, or any other person furnishing supplies to the Asylum; neither have I during this time been the recipient of any favor, profit, or present, from any of said parties, or from any employé of the Asylum, on account of my official position; neither has any other member of the Board, to the best of my knowledge and belief.

M. H. BOND, RECALLED.

FEBRUARY 10th, 1865.

Q.—Are you acquainted with Doctor Whitney, of San Francisco, one of the Visiting Physicians of the Insane Asylum?

A.—I was introduced to him at the Asylum, at the time of the Coroner's inquest over the body of James Lilly. I know him.

Q.—Was Doctor Whitney present at any time during said inquest?

A.—He was; by advice of the jury I invited him in to be present.

Q.—Do you know whether he saw the body after it was exhumed?

A.—I do not know.

Q.—Do you know whether he heard the testimony in the case, or any portion of it?

A.—He heard the testimony of Doctor Langdon, and, I think, of Doctor Whaley. What was taken before he came in was read to him.

Q.—Did he take any part in the examination, or express any opinion relative to the same, or give any advice; if so, state what?

A.—After the jury had got through with the doctors, I asked him if he wished to ask any questions. He said he did not know as he did, but

went on talking with the doctors in general terms about the case. He expressed an opinion that the fractures, or injuries to the body, were done after death; his experience as Coroner for many years would lead him to that conclusion. After hearing the testimony of Knapp read, he shook his head, and said: "Pretty hard swearing; plain to see that it was done after death." At the same time Doctor Langdon showed him some of the bones, and explained the condition of the heart at the same time. After hearing the testimony of Drake read, he said that he should think that if the man Lilly would be in as feeble a state as Drake represented, he should think that he could not stand up; he also said that if he was Coroner he would not hesitate to bring in a verdict that the injuries were done after death.

Q.—What was at that time, and what is now, your personal relations with Doctor Tilden?

A.—We always have been friendly.

Q.—Have you any feeling of prejudice or bias against him?

A.—I have not.

## TESTIMONY OF DOCTOR J. P. WHITNEY.

FEBRUARY 13th, 1866.

Doctor J. P. Whitney, sworn:

Q.—Were you present at the Coroner's inquest of James Lilly, at the City of Stockton, in the month of June, eighteen hundred and sixty-five?

A.—I was, a short time; I was invited to go in to hear Doctor Langdon's testimony.

Q.—You heard the testimony of Doctor Langdon?

A.—Yes, Sir.

Q.—From that testimony, what opinion did you form of the case, as to the time when the body of Lilly received the injuries found upon it?

A.—I stated my opinion so far as based upon that evidence—that the injuries could not, in my opinion, have been inflicted before death; I will not say before death here, for I did not say before death there; I stated to Doctor Langdon that my opinion was based upon the evidence of Doctors Langdon and Whaley, and I formed the same opinion as expressed by Doctor Langdon; I was not under oath, and did not consider I was giving a professional opinion. I believe, however, that I told Doctor Shurtleff that if he would send me the testimony in the case I would have no objection to giving him my opinion in writing. On the eighteenth of June I received a letter from Doctor Shurtleff, and a copy of the published testimony.

Q.—Are you aware of the extent of those injuries inflicted on the body of Lilly?

A.—Only from the testimony which I heard there, and the testimony I afterwards read.

Q.—Do you believe, as a medical man, that any man in feeble health, as James Lilly was represented to be, could walk about for three days after such injuries had been inflicted upon him?

A.—No, Sir.

Q.—Do you believe he could walk about one day with such injuries inflicted upon him?

A.—I do not.

Q.—Do you believe he could walk about one hour with such injuries inflicted upon him?

A.—I do not.

Q.—Do you believe that any of the injuries upon the body of Lilly were inflicted after death?

A.—I do.

Q.—Have you any reason to believe that those injuries were inflicted for a purpose; if so, state what that purpose was and your reasons for thinking so?

A.—I believe they were inflicted for a purpose—that purpose was either to create post mortem evidence in corroboration of a statement that had been made relative to violence inflicted during life, or to give overwhelming evidence of injury after death. In my opinion those injuries were inflicted by or for Knapp, or by or for Drake; if by or for Knapp, for the purpose of furnishing evidence to correspond with his statement of violence done by Drake to Lilly; if by or for Drake, to furnish overwhelming evidence of injury inflicted after death, which should cover up evidence that might exist of injuries inflicted before death.

Q.—Upon the hypothesis as stated by you, that a portion of those injuries might have been inflicted by Drake before death, and the remaining injuries inflicted by him after death, for the purpose as stated by you, would there not be unmistakable evidence of the injuries inflicted before death, such as the injuries after death would not have obliterated, as for instance, extravasation of blood around the points of fracture of bones, as swelling and discoloration of the soft parts, and rupture more or less of the tissues, external and internal?

A.—Not necessarily.

Q.—Were not the injuries inflicted upon the body of Lilly, with the exception of the spot spoken of by M. H. Bond, of a homogeneous nature, so as to indicate that they were all inflicted either before or after death, so far as your knowledge extends as to the nature of those injuries?

A.—The evidences do not indicate to my mind clearly whether they were or were not inflicted all at one time. I believe, as I stated before, that some of those injuries were inflicted after death, and I am not satisfied in my own mind whether any of them were inflicted before death.

Q.—Did you, while you were at Stockton at the time of the Coroner's inquest, say to Mr. Bond, the Coroner, that you had been a Coroner for many years yourself, and that you would have no hesitancy, if you were in his place, in instructing the jury that they should bring in as their verdict that the body of Lilly received the injuries found upon it after death, or words to that effect?

A.—That is a very considerable overstatement as to what I said in that jury room. I said I had had some experience as Coroner, and that I should not feel warranted in instructing the jury to bring in a verdict that those injuries were inflicted before death.

Q.—Did you at that time relate a fact like this: "That a man had been killed, and that his murderer, to screen himself from detection, had, after his victim was dead, cut the murdered man's throat with a razor, and left the razor by the side of the victim, and that the murderer was convicted from the fact that there was no flow of blood from the wound inflicted by the razor;" and did you then say that Lilly's was a similar

case, from the fact that there was no extravasation of blood internally from the injuries inflicted upon Lilly, as there would have been if those injuries had been inflicted during life, or words to that effect?

A.—It is the first time I ever heard of such a case. I did not say it.

Q.—Did you promise Doctor Tilden at any time that you would not attend the meeting of the "Joint Convention" of the Board of Directors and Medical Visitors, to be held in April, eighteen hundred and sixty-five, for the election of Resident and Assistant Physicians?

A.—I may have told him I should not unless under compulsion. I stated it to others, and I should not have hesitated to tell him so, or any body else.

Q.—When or before you entered upon the duties of your office, did you take and subscribe an oath to this effect: "I solemnly swear that I will support the Constitution of the United States, and the Constitution of the State of California; that I will perform the duties of Medical Visitor of the Insane Asylum of California to the best of my ability?"

A.—I took the usual oath of office; I don't remember the wording of it.

Q.—Did you not know that one of the duties of your office was to attend the Joint Convention above referred to?

A.—I knew the law on that subject.

Q.—Did you attend that convention?

A.—I did not.

Q.—Why did you not?

A.—Because I considered that I should not be discharging the duties of my office to the best of my knowledge and ability.

## TESTIMONY OF DOCTOR LANE.

FEBRUARY 13th, 1866.

Doctor Lane, sworn :

Q.—What is your profession?

A.—Physician and surgeon.

Q.—Did you sign a statement, prepared by Doctor Morse, in reference to the injuries found upon the body of one James Lilly?

A.—I did.

Q.—Having heard the testimony of Doctor Whitney, in which he says that he believes that some of the injuries inflicted upon the body of Lilly were inflicted after death, will you state whether or not you concur in that opinion?

A.—I concur in that opinion.

Q.—Do you think, from the evidence before you, that some of the injuries on the body of Lilly were inflicted before death; and, if so, what injuries?

A.—I think some of the fractures of the ribs were inflicted before death.

Q.—How could those injuries have been inflicted without abrasions of the skin, injury to the soft parts, or without extravasation of blood?

A.—In the practice of my profession I have seen cases where ribs were fractured without external abrasion or internal injury of the pleura, as shown by unimpaired action of the lungs.

## DOCTOR J. F. MORSE, RECALLED.

FEBRUARY 13th, 1866.

Q.—Having heard the testimony of Doctor Whitney, in which he says that he believes that some of the injuries inflicted upon the body of Lilly were inflicted after death, will you state whether or not you concur in that opinion?

A.—I think it was probable that a portion of those injuries were inflicted after death, but that from all the evidence in respect to adjacent injuries upon the soft parts and vital organs, that the injuries might have been inflicted before death.

## SWORN STATEMENT OF DOCTOR HUBBARD,

IN ANSWER TO WRITTEN INTERROGATORIES PRESENTED BY COMMITTEE.

FEBRUARY 19th, 1866.

*Question First.*—What position do you hold in connection with the Insane Asylum at Stockton?

A.—One of the Board of Medical Visitors.

*Question Second.*—Give your opinion as to the fitness of Stockton for an Insane Asylum, considering its location, topography, climate, facilities for drainage, etc.

A.—Stockton, though not the best location for an Insane Asylum that could be selected in the State, is doubtless better than most other valley sites. The country immediately adjacent to the Asylum buildings is by no means entirely devoid of beauty of scenery. Indeed, from the second and third stories of the new building, the landscape that spreads out for many miles, even to the Coast Range of mountains on one side, and the Sierra Nevada Mountains on the other, may with much propriety be pronounced exquisite. The climate of Stockton, during the summer season, like that of all other valleys in the State, is extremely warm, and for this reason is not so well adapted to the treatment of diseases, either mental or physical, as a climate of lower temperature, such as may be found on the bays or near the coast; nevertheless, the proximity of Stockton with tide water so tempers the atmosphere with moisture, that notwithstanding the extreme heat in summer it is by no means so oppressive as in valleys more remote from the bay, and where tidal winds never reach. The drainage is perhaps the most objectionable feature in the location, and is a difficulty which will doubtless require much ingenuity and expense to overcome. The geographical location of Stockton accommodates, as a matter of convenience of access, the following counties, viz: Amador, Calaveras, Tuolumne, Mariposa, Stanislaus, Merced, Fresno, and San Joaquin. All the other eastern and northern counties, except the coast counties, to reach Stockton, must pass through Marysville or Sacramento. Those that first reach Marysville are: Siskiyou, Shasta, Tehama, Plumas, Butte, Sierra, Yuba and Sutter. Those that pass through Sacramento, that do not pass Marysville or Stockton, are: Placer, Nevada, El Dorado, Sacramento, Yolo, and Colusa. Shasta,

Tehama, and Sierra can reach Sacramento with about the same ease as Marysville. The other counties bordering on the bays and coast pass through San Francisco. Such counties as first reach Marysville necessarily pass through Sacramento, and generally through San Francisco. The table of admissions for eighteen hundred and sixty-four makes the following exhibit:

Admissions from the eight first named counties.....	31
Admissions from the nine northern counties named.....	17
Adjacent to Sacramento.....	58
Admissions from the northern and southern coast counties.....	23
Admissions from San Francisco.....	90

The above is conclusive that San Francisco is by far the most accessible point for the greatest number of insane persons committed, the difference in favor of San Francisco being as one hundred and eighty-eight to thirty-one; that Sacramento is next, and Stockton third on the list. However, we ought not to neglect to observe here that the northern counties cover a vast territory of country, consisting of mineral and agricultural lands, and are now filling up with inhabitants more rapidly than any other portion of the State, and that in consequence more than a proportionate increase of insane persons may hereafter be calculated upon with a degree of certainty; that the State already owns an edifice in Yuba County, and in the vicinity of Marysville, of sufficient capacity to accommodate two hundred patients, and moreover, that patients from Sacramento can reach this point with much greater facility than Stockton, and that while the location at Stockton accommodates perfectly a large territory of country in the southern, Marysville will with the same facility accommodate a large number of counties in the northern sections of the State. Nevertheless there is a serious question as to the propriety of locating institutions of this character in any of the valleys of the State, and before any further important improvements are made at Stockton, or new sites selected, I believe it would be well for the Legislature to charge the Board of Medical Visitors with the subject, and allow them to make the necessary investigation and determine the matter at once and for ever.

*Question Third.*—Could the existing difficulties of drainage be obviated by reaching tide water with a fall of six feet in three thousand feet?

A.—I do not believe the existing difficulties of drainage can be perfectly obviated in that way. The descent would be only one foot in five hundred feet, which in my opinion would not be sufficient to prevent the drain from filling. To commence a sewer at low water mark in the slough proposed to be drained into, and extend the same to the Asylum buildings, or within fifty or one hundred feet of them, might possibly succeed through the agency of the ebbing and flowing tides.

*Question Fourth.*—How should patients be classified as to age, sex, degree of insanity, etc.?

A.—Unquestionably it is better to associate the young with the older, when circumstances will permit, selecting those whose age, present temperaments, and habits, are as nearly compatible as possible; and usually such as are suffering under opposite hallucinations make the most agreeable companionship. The excitable should be separated; nor should the

milder class of patients be disturbed with the ravings of the maniac; but often the most boisterous will be docile when placed in a quiet ward. The sexes should, of course, be separated, yet not so remotely as to prevent their occasional association. There will be many whose hallucinations preclude such associations, and, generally, such should be so secluded as not to be within the reach of the sound of the voices of the opposite sex. But many of both sexes are greatly benefited by occasional commingling. Those who have witnessed the effect have universally expressed great satisfaction.

*Question Fifth.*—How many patients can be properly treated in a single institution?

A.—The most reliable authority has fixed the maximum number of patients that can be treated to the best advantage in a single institution at from three hundred to three hundred and fifty.

*Question Sixth.*—How many patients (indiscriminately brought together) can be treated properly in the present buildings at Stockton?

A.—Not to exceed three hundred and fifty; and, even to do this, the building already commenced should be completed by erecting an additional wing.

*Question Seventh.*—Would it be advantageous to the patients themselves to be divided into curables and incurables, to be permanently and remotely separated.

A.—I think it would not be "advantageous to the patients" to make such a distinction and separation. The human mind in every condition, except when entirely lost, to retain or regain its seat when fallen, requires something to hope for. When this is even indefinitely postponed, as we have all, doubtless, witnessed, the mind, though previously healthy, soon loses its balance, and floats, unrestrained, at the mercy of every fitful wind. Then darken the picture altogether, by enunciating to the patient that his case is hopeless, and that he must take his place among the incurables, what will be the inevitable result? Why, the last ray of light that kept alive a latent fire in his benighted soul, is, in an instant, shut out, and thenceforth, till the useless life which now flickers in its socket ebbs away, and he walks a living spectre. And then, who can tell the poignancy of the pang inflicted by this last most withering blow? None, save the few who have felt the sickening blight of utter despair. And again, when such a class is separated, they cease to be objects of interest more than any other soulless brute—they are fed and slept with less care—for animals are fattened and turned to use—but these, having nothing left but a worthless carcass, no other mercy awaits them but a slight covering of earth. Then, I am of the opinion, it would be better not to make the distinction of "curables and incurables" with the view of creating a remote institution for their treatment. Let all have the benefit of hope, and also, during their lives, the advantage of reasonable means for their final restoration, whether the efforts are crowned with success or not. If another institution is created, it should be of a general character.

## TESTIMONY OF J. J. RODGERS.

MARCH 6th, 1866.

J. J. Rodgers, sworn :

Q.—Have you ever held any position in the Insane Asylum of this State? if so, state what that position was, how long, and when you occupied it?

A.—I was assistant in what was called the fifth ward; I really had charge of no ward, but of the yard. I had no charge of any of the patients in the wards after they were put to bed, but had always to be in readiness in case of emergency or disturbance among the patients during the night. I was at the Asylum about fourteen months previous to and up to the time Doctor Tilder left there, on the first of May, eighteen hundred and sixty-five. I was appointed attendant for about two weeks, but was not recognized as such by the Board of Directors; at least I did not receive pay as attendant, but as assistant.

Q.—What was the general condition of the department of which you had charge during the time you were there, and up to the time you left?

A.—It was good, as far as I was capable of judging.

Q.—During your time at the Asylum, were you in a situation to enable you to see and judge of the cleanliness of the wards and of the patients prior to the time in which you had charge of the first ward?

A.—I was in a condition to judge, as far as appearances were concerned.

Q.—What was the condition of the first ward from the time you took charge and during the time you had charge compared with the condition prior to that time?

A.—It was as good in every respect as when I took charge, and better in some respects. The patients were bathed once a week, as was the usual custom.

### CROSS EXAMINED.

Q.—Had you any experience in the management of the insane prior to the time of your connection with the Asylum at Stockton?

A.—No, Sir.

Q.—What special duties did you have to perform in the yard prior to the time of your being appointed attendant?

A.—There were several duties: I had to take them to their respective wards if their clothes were torn, prevent all disturbance, separate persons if they got to fighting, and everything of that kind; to console, assist, and aid in everything to benefit their condition; to see that the patients did not escape during the time they were in the yard. Any time we could not control the patients we had to report to the Supervisor or Superintendent.

Q.—You were not responsible for the cleanliness of the patients, were you?

A.—No; I was not obliged to wash and comb them.

Q.—How do you know that the patients were only bathed and combed once a week in the first ward, prior to the time you went into the first ward as attendant?

A.—I know it from the fact that the patients were kept in their respective wards once a week to bathe, and their clothing was thrown from some of the wards into the yard, and all the clothing had to pass through

the yard to the laundry. My understanding was that it was always the custom to attend to the combing once a week.

Q.—How many times did you comb all the patients in the first ward during the time you were attendant?

A.—I don't know whether I combed them all once or twice.

Q.—With what kind of a comb did you comb them?

A.—With fine and coarse combs.

Q.—Did you comb them all thoroughly with fine combs?

A.—I think I did, with the exception of some that were sick. I did not comb them all myself; I directed my assistant to comb some of them.

Q.—Did you know, of your own knowledge, that your assistant did comb all of those that you directed him to comb?

A.—He appeared to be busily engaged combing while we were bathing them; I did not have my eyes upon him all the time, but believe he did as I told him.

Q.—How long before you left did you do the last combing and bathing of those patients, according to the best of your recollection?

A.—Not more than two or three days before I left.

Q.—Did you find any of those patients lousy at that time—if so, how many?

A.—I did; I don't know how many; I should think as many as a dozen.

Q.—Were there not new patients admitted to the first ward frequently during the time you were attendant there?

A.—Yes.

Q.—Were they not generally filthy and lousy when they were admitted there?

A.—Some were, and some were not.

Q.—Do you know Mr. Stockwell, who had charge of the first ward before you took charge of it as attendant?

A.—Yes, Sir.

Q.—What experience had he in the management of the insane?

A.—I was told that he had been there as an assistant or attendant in the institution for three or four years.

### TESTIMONY OF J. W. FORBES.

MARCH 7th, 1866.

J. W. Forbes, sworn :

Q.—Were you at any time employed in the State Insane Asylum; if so, when, and what was your position?

A.—I was employed as apothecary from January, eighteen hundred and sixty-five, to May, eighteen hundred and sixty-five.

Q.—Did your duties as apothecary lead you through the several wards of the institution, more particularly the male department, more or less every day?

A.—Yes, Sir.

Q.—Had you an opportunity to observe the condition of the wards and patients in respect to good order and cleanliness from January, eighteen

hundred and sixty-five, to the eighteenth of April, eighteen hundred and sixty-five; if so, what was the condition of the wards and patients?

A.—As far as my knowledge would go I saw nothing out of the way as to cleanliness; in April sometime I found a great remissness in the administration of medicine that should be given to the patients.

Q.—What change, if any, did you observe in the condition of the wards and patients after the eighteenth of April to the first of May, eighteen hundred and sixty-five, compared to the condition of the wards and patients prior to that time?

A.—After that time (the eighteenth of April) there was a thorough change—particularly in the attendants' rooms. It was at that time that I discovered the remissness of the administration of the medicines; it was before that that the remissness occurred.

Q.—Were the medicines given according to orders from the eighteenth of April up to the time you left?

A.—As far as I know they were.

Q.—Were the wards and patients kept in usual good order and cleanliness from the eighteenth of April to the first of May, eighteen hundred and sixty-five, as compared with any time previous to that while you were in the institution?

A.—They were, as far as I had an opportunity of observing; I saw them every day.

### CROSS EXAMINED.

Q.—In what part of the institution did your duties require you to be during most of the time that you were in the institution?

A.—In the apothecary shop adjoining the office.

Q.—What duties of yours required you to pass through the different wards of the institution?

A.—Delivering the medicine prescribed by the physicians to the attendants; the new medicines I took myself to the attendants; in case they were renewed, sometimes the attendants came for them themselves.

Q.—Was there any reason why you should observe especially the condition of the wards and patients at the time of your visits to the wards with these medicines; that is, to exercise any supervision over them in that matter?

A.—I had no supervision over them, except to see that the attendants got the medicines.

Q.—Might it not be that the patients might suffer from neglect of their persons during the interval from the eighteenth of April to the first of May, to some extent, without you observing it?

A.—It might be, as I was not there all the time.

Q.—Might not the wards have been neglected in the matter of cleanliness to some extent, during that time, without you observing it?

A.—It might to a small degree, but I think not much.

Q.—You speak of a thorough change in the attendants' rooms. Do we understand you that the same attendants continued in those rooms?

A.—In a few instances. I can think of only two now.

Q.—Is it not customary for persons moving into rooms occupied previously by others, to have them thoroughly cleaned before taking possession?

A.—It might be. The change I had reference to was more especially in regard to the medicines kept on the shelves.

Q.—Do we understand from you that all the medicines provided for the patients are to be taken by them, so as to leave none unconsumed?

A.—If it is a single dose, of course all is to be consumed; if it is a tonic medicine, you can go there and find some in the bottles.

Q.—As a matter of fact, do not medicines accumulate on the attendants' shelves?

A.—Empty bottles may, but full ones, never. If the Physicians discontinue the medicine, the label is scratched off, and the bottle should be returned immediately to the apothecary shop.

Q.—What you say then, about the remissness of the attendants in the administration of medicines, is wholly based upon the fact that you found medicines on the attendants' shelves at the time of the cleaning out, on the eighteenth of April, or thereabouts?

A.—No, Sir, not wholly. When I found the bottles full on the shelves, without a dose taken out; and a bundle of powders, with the label taken off; and boxes of pills, with ten or twelve in them, when more were ordered, showing that some had been taken, and no order on the prescription book showing that the medicines had been discontinued, I thought something was wrong.

Q.—Who has possession of the prescription book?

A.—The Apothecary.

Q.—In case the Physician, in passing through a ward, should instruct the attendant to discontinue the administration of a medicine, might not the unconsumed portion remain upon his shelves for a time—the prescription book being in the Apothecary's possession, without an entry of discontinuance being made thereon?

A.—It is a possible thing.

Q.—Do you know, of your own knowledge, whether the medicines you found on those shelves were prescribed by Doctor Tilden?

A.—Some of them were; I think most of them.

Q.—Do you not know that many of them were prescribed by Doctor Clark?

A.—I do not know that many of them were, for Doctor Clark did not write many prescriptions—I mean each day.

Q.—Do you not know that in the aggregate Doctor Clark wrote more prescriptions than Doctor Tilden?

A.—I do not.

Q.—Would you swear that it was not so?

A.—I would not.

Q.—Do you not know that for the last few days before the eighteenth day of April, Doctor Tilden visited the wards frequently, and changed the medicines that had been prescribed by Doctor Clark, leaving the medicines ordered by Doctor Clark unconsumed upon the attendants' shelves?

A.—I do not. All I had to do was to put up the medicines when ordered. It was customary for Doctor Tilden, when he wanted medicines discontinued, to write it on the book.

## TESTIMONY OF JOHN GARVIN.

MARCH 7th, 1866.

John Garvin, sworn :

Q.—State if you have been at any time an employé of the State Insane Asylum; if so, state when, and how employed?

A.—I have been employed at the State Insane Asylum for near four years, from some time in eighteen hundred and sixty-one, up to May, eighteen hundred and sixty-five. I was sent to take charge, at one time, of small pox patients; I have been night watchman, and laundryman, also dining room steward.

Q.—State what time you occupied the position of laundryman?

A.—Nearly the last two years I was there—up to May, eighteen hundred and sixty-five.

Q.—Did you, or did you not, have the washing of the patients' clothing at the time referred to, up to the eighteenth day of April, eighteen hundred and sixty-five, and from that time until you left the institution?

A.—I had.

Q.—State if there was any more evidence of filthiness in the clothes of the patients from the eighteenth day of April, eighteen hundred and sixty-five, to the time you left, than there was before that time?

A.—There was not, Sir.

Q.—Did you discover any body or head lice in the clothes of the patients after the eighteenth day of April, or before?

A.—I did not, Sir. I have never seen any vermin in the clothes coming to the laundry at any time, except some that came from the patients of the first ward. I understood they were clothes brought to the institution, when the patients were stripped to get a bath, and the clothes were thrown outside.

## TESTIMONY OF JOHN DORAN.

MARCH 7th, 1866.

John Doran, sworn :

Q.—Have you ever been connected with the State Insane Asylum as an employé; if so, in what position, and for what length of time?

A.—I have; I was there about four years. I was first employed as an assistant in the fifth ward, about two years, then attendant in the fourth ward for the balance of the time. The last few days before I left the institution, I performed the duties of Supervisor.

Q.—Who were your assistants while you had charge of the fourth ward?

A.—A man by the name of — Rough, George Fox, George H. Drake, Mr. Weaver, and Mr. Crane.

Q.—State in what condition the fourth ward was kept during the time you were the attendant?

A.—The ward itself was kept in a cleanly condition; the patients were also cleanly as it was practicable to keep them. There was one or two Chinamen there, and a few others whose appearance was not as good as most of the patients, because of their filthy habits; those few were espe-



cially seen to, and such precautions taken with them, as would prevent their getting and remaining lousy.

Q.—Were you the attendant of that ward on the eighteenth of April, eighteen hundred and sixty-five, at which time Weaver was your assistant; and had you charge from that time to the first of May, with Crane as assistant; if so, did you use the same means of cleanliness of the wards and patients, and the same precautions to prevent the accumulation of lice, as previously, and with the same results?

A.—I had charge of the ward during that time, took the same precautions, and, I believe, with the same results.

Q.—Was there at any time, from the eighteenth of April to the first of May, any special accumulation of lice more than common?

A.—I don't think there was.

Q.—State about the number of lice you usually found on the heads of the patients in your ward, and the number of patients upon which you found lice?

A.—It was a customary thing for the Chinese when they came there, to be sent immediately to my ward. Those people, sometimes when they came there, from their filthy habits, came lousy; those patients I would give a thorough cleaning, cutting off their hair, shave their heads, and put on blue ointment to kill the lice. After I was satisfied that they were clear of vermin, I would treat them the same as the other patients, going over them once a week. I done this myself, or had my assistant to do it. As to the number of patients, I could not say positively; only it was a very small portion. As to the number of lice found on the patients, they were generally a very few; here and there one or two.

Q.—Do you wish it understood that this was the condition of your ward during the whole time you had charge of it.

A.—Yes, Sir; that was the general condition.

Q.—Were you in the habit of visiting the other wards of the institution?

A.—During the last few days of my stay there I was.

Q.—State what condition they were in, both in respect to order and cleanliness?

A.—So far as my observation went there was no change in the wards or patients in respect to cleanliness during the time I went through the wards as Supervisor.

Q.—Was the institution under the same rules and regulations at that time as before?

A.—Yes, Sir.

Q.—If there had been any accumulation of filth, disorder, and neglect of patients, were you in a situation to know it?

A.—If the patients and wards had been neglected to such an extent that filth would have accumulated in such a quantity as to produce vermin spreading through the institution, I think I would have known it.

Q.—State, then, whether such was or was not the fact.

A.—I did not observe such a condition of things in the institution.

#### CROSS EXAMINED.

Q.—For how many days were you absent as attendant from the fourth ward prior to the time of your leaving the institution on the first of May?

A.—There was no whole day that I was absent from the ward. In the morning I got up and attended to the duties I had been accustomed to

do as an attendant before I discharged any of the duties of Supervisor. After the patients had their breakfast the ward was put in order; I then circulated through the different wards and yard in order to observe that everything was carried on properly.

Q.—Then for the balance of the day after breakfast you were absent from the fourth ward?

A.—No, Sir; I was there at meal times, and off and on at other times during the day in the ward.

Q.—For how many days did this continue?

A.—This change took place a short time after the eighteenth of April, and continued until the first of May.

Q.—During that time who were attendant and assistant in that ward?

A.—I was attendant and Mr. Crane was assistant.

Q.—State what experience Mr. Crane had previously had in the management of the insane.

A.—He was a stranger to me when he came there, which was on or about the eighteenth of April; then I gave him such information as I had in regard to keeping the ward in order. I found him to be industrious and exerted himself in doing the work of the ward.

Q.—Does it not require experience in order to perform the duties of such a position well, as it does to perform well the duties of other offices or positions in life?

A.—To get along with the patients agreeably to both parties, that is, the patient and assistant, experience is requisite. To perform the manual labor of the ward, such as bathing, combing the heads of the patients, and doing such other things as would be necessary to maintain cleanliness, a person might bring that experience with him.

Q.—Is it not common for new employes in the institution to be exercised by feelings of fear or apprehension of danger in taking charge of patients for the first time, so that they would shrink from performing duties in reference to patients which they would afterwards perform freely and without fear?

A.—My experience in regard to that matter tells me that while it might be so in individual cases, that it is not generally so; for there in the institution, when a new employé came, he might come there with apprehensions of danger, but upon the assurance of those who had charge of the patients, and seeing them circulating among them, then he would lose those apprehensions. Mr. Crane told me that he thought the patients would act differently than what he found them to do when he came to the institution, and he went freely among them when I was present.

Q.—Would not a new attendant, being left sole control of a ward occupied by patients, be likely for the first few days to neglect duties, in reference to the persons of patients, which he ought really to perform, being exercised by feelings of fear as before stated? and might not this have happened in the case of Mr. Crane without his informing you of it, or without your knowing of it in any way?

A.—With regard to the first part of that question, I will state that on a man's first going into a ward as attendant, if he was left there alone to attend to the wants of the patients, cleaning them, etc., he would be likely to have those feelings. In the case of Mr. Crane, he never had to attend to the cleaning of the patients alone to my knowledge; on the days set apart for such duties to be performed, I was present and helped him to do it.

Q.—How long before the first of May, eighteen hundred and sixty-five,



did you bathe the patients and comb their heads last—the patients of the fourth ward?

A.—It was Thursday or Friday prior to that date we performed that operation last; the first of May came on Monday. It was done to all the patients in that ward.

Q.—Did you find any lice on any of the patients at that time?

A.—As there were some days in which we went over the patients for the purpose of ascertaining that fact, we did not find any. And as I do not recollect whether there were any at all on that occasion or not, my belief is that if there were any, they were so few as not to amount to anything, because, if there were, they would have attracted my attention.

Q.—Were any new patients admitted into the fourth ward after that day, before the first of May?

A.—I don't recollect that there were?

Q.—Would you swear that there were none admitted during that time?

A.—No, Sir; I would not.

#### DIRECT EXAMINATION RESUMED.

Q.—If there had been new patients admitted during the time referred to, would they not have been bathed, had their heads combed and dress changed, and put in a general cleanly condition?

A.—Yes, Sir; they would.

Q.—At the time you were discharging some of the duties of Supervisor, a few days prior to the first of May, did you, in discharge of such duties, visit the third ward, formerly in the charge of George Fox, but then in charge of Mr. Dayman; and if so, what was the condition of that ward?

A.—I visited the third ward and found it in a cleanly condition, as far as I saw in the ward.

Q.—Was it not your duty, acting as Supervisor, to inspect and ascertain the condition of the ward; and, if so, did you do it?

A.—It was my duty to devote what time I had in looking into the wards, and I did so.

Q.—Was there anything in the condition of the ward that could possibly give it the appearance of a pig pen, as sworn to by Mr. Fox?

A.—No, Sir, there was not.

#### CROSS EXAMINED.

Q.—Was not Mr. Fox an experienced employé in that institution?

A.—He had been there for some time; I think about two years.

Q.—Did not Doctor Tilden speak of him as one of the most faithful and competent employés of the institution?

A.—I never recollect Doctor Tilden having referred to him in that manner to me or any one else.

Q.—Did you not regard him in that light yourself?

A.—I regarded Fox as a good worker, and attentive to the work in the ward.

Q.—How would the time you had to spare for that ward, when acting as Supervisor, compare with the time which Fox would have when he took charge of it on the first of May, as attendant?

A.—When I went into the ward, I went in for the purpose of ascertaining if there was anything out of the way. I spent about three quarters of an hour during the day.

Q.—Do you not know that on a former occasion Doctor Tilden or Clark

removed this same Dayman from a position as attendant or assistant in one of the wards of the institution, for his allowing his patients to get lousy?

A.—I recollect that Dayman was removed, but I do not know positively what he was removed for. It was reported to me that the ward in which he was was found to have lice in it, and that that was the occasion of his removal from the ward; but I do not know by whom he was removed.

#### TESTIMONY OF H. B. UNDERHILL.

MARCH 7th, 1866.

H. B. Underhill, sworn:

Q.—State whether you do or do not know anything about the case of Mr. Murry, referred to by Mr. Bours in his affidavit; if so, state what you know about it?

A.—I was not a member of the Board of Directors at the time of the alleged striking; it took place before I came into the Board. After I came into the Board, the case was reported to the Board in this way: Doctor Tilden reappointed Murry to the office of gardener; had done it before, probably. The case came up in reference to paying him. Doctor Tilden reported to the Board that Murry had been doing the work of gardener on the Asylum grounds; that he had found him a competent man for that business; that upon the examination of facts, about his abuse of patients, that there was no special criminality in Murray's conduct, or something to that effect, and that he thought he ought to be paid for his services. The Board, I think, voted to pay him, and did pay him.

Q.—Will you state if you know or recollect what facts Doctor Tilden presented to the Board as the result of his investigation of the alleged abuses of the patients, for which it was said Murry was discharged by Doctor Aylett?

A.—I think it was something to this effect: that Doctor Tilden had learned—whether from reliable testimony or not, I do not now recollect—that this patient was at work with Murry in the garden, and attacked Murry, or jumped on him, something of that kind, and that Murry knocked him down, or something of that kind, in self defence. This, I think, was Doctor Tilden's version of the case to the Board. My own conclusions on the matter, in voting on the case, if I recollect right, were, that it was quite certain that Murry had done work on the grounds of the institution that entitled him to pay, and that he ought to be paid, whether his case was clear or not as to the alleged abuse of that patient.

Q.—Do you or do you not recollect that Doctor Tilden presented to the Board, as the result of his inquiries, that Murry's offence to Doctor Aylett and his friends was more of a political character than that of an abuse of a patient; in proof of which Doctor Tilden presented to the Board the fact that Murry was not discharged for two months or more after the alleged abuse of the patient, and not until the return of Doctor Aylett from Sacramento City, after having been defeated by Doctor Tilden for the position of Resident Physician of the Asylum?

A.—I do not recollect those details; that might be so or might not—I don't recollect.

Q.—State, if you please, whether, after getting all the facts that you did get, you sustained by your vote in Board meeting the old Board of Directors or Doctor Tilden in the position he had taken in regard to Murry receiving his compensation?

A.—From all the information that I could get I came to the conclusion that it was quite questionable at least, whether Murry had been guilty of an offence such as to require his dismissal from the office that he had held, and that having performed duties which the Resident Physician had required of him, and having devoted much time and labor for the benefit of the institution, he ought to receive a just compensation for such time and labor—and therefore I voted to pay him his wages.

Q.—Did you, or did you not, for these reasons and for others you may have received, consider Murry worthy of additional favors from the Board of Directors, of which you were a member?

A.—I thought him a competent gardener, from such information as I could get from Doctor Tilden and Mr. Lyons, if I remember right—perhaps from other sources—and probably expressed a desire that he might be continued as gardener of the Asylum; and it is probable that I voted to confirm the appointment of Murry to that office.

Q.—Then why do you, as counsel for the Board of Directors, present an affidavit from Mr. Bours, reflecting upon Doctor Tilden for the course he took in the case of Murry, therein referred to?

A.—This question first assumes that I am counsel for the Board of Directors, whereas I was invited by one of the Board of Directors to meet with them and the Committee of Investigation, as an ex-member of the Board, and assist them in this examination; that having been a member of the Board during most of the time in which the difficulties had occurred which were to be the subjects of investigation, and being responsible with my associates of the Board, for whatever errors or abuses had been committed by the Board, I had a personal interest in this investigation. In that view, it was both my right and duty to appear with the Board and assist in this investigation, for their defence and mine. With regard to the affidavit of Mr. Bours, it was taken down by me substantially as it fell from his lips. The case of Murry was voluntarily stated by him, and in substance as it is embodied in the affidavit. The views of that case were his, and not mine, and it was at his request that this case was set forth in the affidavit.

Q.—Have you not, to all intents and purposes, acted as counsel for the Board, bringing up and presenting matters in their defence having relation to periods, both before and after, as well as during the time that you yourself was a member of that Board?

A.—If reference is made in this question to the sworn statement of the Board of Directors, embodying various affidavits, mostly in my handwriting, I will state that this begins with the time at which the testimony of Doctor Tilden begins, and is designed as an answer to his entire testimony, so far as the same reflects upon the character of the institution under the management of Doctor Tilden's predecessor in office, and the conduct of the Board of Directors, during his term, in the performance of their duties; that as it was apparent that Doctor Tilden had misrepresented the facts in reference to the condition of the institution at the time he took charge of it, as I believed, for the purpose of making capital for himself, which would work to the disadvantage of the Board, myself included, if allowed to go uncontradicted, it was both proper and necessary to show the facts as they existed at the time that he took charge of the institution, and thus to show an unfairness on his part with regard

to his statements concerning that period, that the committee might be able to judge of his fairness with regard to statements made by him reflecting upon the conduct and management of the Board with which I had been connected. That with reference to matters that occurred after my resignation of my office as Director, I had considered myself as virtually identified with the Board in those matters, inasmuch as I had resigned, not from choice, but from my being satisfied that I could not hold the office legally, on account of the construction given by the Supreme Court of this State to the law in the case of judicial officers holding other offices under the State Government. It is probable that I should have acted with the Board had I not resigned.

Q.—Is Doctor Tilden to understand, by the reasons just given in your answer, that you, as a christian gentleman, are justified in presenting an affidavit to the Committee of Investigation, which you could not but have known would lead to a wrong impression, for the reason that it did not set forth in the matters referred to, the truth, the whole truth, and nothing but the truth, in the final settlement of the case of Murry, therein referred to?

A.—It is not for me as a christian gentlemen, or an unchristian gentleman, to charge Mr. Bours with swearing to a lie. As to the final settlement of the Murry question, I do not know that it is embraced in this affidavit, inasmuch as Mr. Bours was not a member of the Board at that time, and could not swear to matters with which he was not acquainted. The affidavit, as before stated, was made up according to instructions given by Mr. Bours, as near as possible in his own language. The facts were detailed originally by him, and there was nothing in my statement of my views of the Murry case, in my opinion, that places me in an inconsistent position in writing up the affidavit made by Mr. Bours.

Q.—Could it be possible that you, knowing and understanding the facts in the Murry case, having voted to sustain Doctor Tilden in his action in the matter, that the affidavit of Mr. Bours, presented to the Committee of Investigation, could otherwise than mislead the committee as to the true nature of that case from its incipency to its conclusion; and, knowing those things, how could you, as counsel or otherwise in the case, reconcile it with your idea of justice to leave the question but half stated, and thus to mislead those who are called upon to render a verdict in the case?

A.—Nothing that I have stated upon my examination, in my opinion, conflicts with the facts narrated by Mr. Bours in his affidavit. He there states that Murry struck one of the patients at work with him, and was promptly discharged on that account. I have never been satisfied that Murry did not strike a patient, and all I have stated simply goes to show that on representations made to me by Doctor Tilden, I thought Murry might be excused, and, especially, that in case he had worked for the institution as represented, he ought to be paid for what he had done. This was subsequently to the time in which Doctor Tilden placed himself in antagonism to the Board, of which Mr. Bours was a member, by reappointing and continuing in office a man who had been discharged by Doctor Tilden's predecessor, his discharge approved, and his reappointment by Doctor Tilden rejected by that Board; the point of the affidavit being that Doctor Tilden refused to submit to the action of the Board, of which I was not a member. Further, that had the Board of which I was a member concluded to take the same action that the

previous Board had, and refused to confirm Murry's appointment, and had Murry been retained as before, I should have considered Doctor Tilden as insulting the Board, to all intents and purposes, by such procedure, as expressed by Mr. Bours.

Q.—You say that you were never satisfied that Murry did not strike the patient, which was alleged as his offence; then why did you vote to sustain his appointment to office?

A.—Partly for reasons already stated: First—that the offence did not appear to me to be of so serious a nature as not to be excused, provided Murry's general character was good, and his ability as a gardener conceded to be of a high order, so that the institution would be profited by his services thereafter; Second—that his special business called for his services outside of the walls of the institution chiefly, his having thereby but little to do with the management of patients; Third—because I did not believe he would ever be guilty of such an indiscretion—"if indiscretion it was"—again; in other words, I thought him in general a good man, and a good gardener, and it would be for the best interest of the institution, all things considered, to retain him in office.

Q.—Was there any penalty which you know of, to be found in the rules of the institution, attached to striking a patient, or inflicting any other abuse?

A.—My understanding of the rules or practice of the institution was, that the attendants were not allowed to strike the patients for any cause, as a general rule; but my view of that law or rule further was, that attendants might be allowed to use such means for getting violent patients under their control, as in any case would be absolutely necessary—that is, that an attendant would be allowed to use ordinary precautions for protecting his own life or person; and that to effect this, he might be under the necessity in some cases of laying violent hands upon a patient, not in malice, but simply for self protection, and for the welfare of the patient himself. That any other construction of the rule would deprive the attendants of the privilege of self protection granted by the laws of our land; that hence in Murry's case, if he was in danger of being injured by the patient, unless he should take means to prevent it; that it would not be a violation of the spirit and intent of the rule for him to use some degree of violence upon the patient; and that I, not knowing to what danger Murray was exposed at that time, by personal observation, was constrained to take Doctor Tilden's version of the case as a groundwork of my own opinion; and, as Doctor Tilden was particularly anxious to have Murray retained, and, as I desired to gratify Doctor Tilden in all his wishes which seemed to be reasonable, I felt fully justified in voting to have Murray retained.

Q.—Will you examine a copy of the rules and regulations attached to the affidavit of William Stockwell, and say whether in your opinion there is anything in them which could be construed into a code of by-laws for the government of the Trustees and the Asylum?

A.—I see nothing in this code of rules and regulations for the government of the State Insane Asylum, prescribing the duties of the Board of Trustees of the institution; but I do find in them specific directions for the government of the employés of the institution; that is, rules and regulations defining the duties of the Matron, Steward, Clerk, principal keepers, and assistant keepers. Further, I will say that it is for this committee to determine whether or not the code in question is a series of rules and regulations defining the duties of the attendants and assistants, or employés.

Q.—Do you know what are the duties of the employés who were called "principal keepers;" and if so, please state them?

A.—The office of principal keeper does not exist at this time in the institution; my understanding being that the duties of that office that once existed are now performed by attendants. Rule Four of the code referred to provides that the "principal keepers shall have control over their respective wards, and shall act under the instructions of the physicians only, to whom they shall make a daily report in regard to the condition of their respective patients," which plainly implies that they shall be daily advised of the condition of their respective patients; shall receive and carry out the instructions given to them by the physicians; shall have power to control the patients without restrictions except from the physicians, in the male wards—it being provided that in the female wards, the "keepers shall be under the control of the Matron;" and that they shall make a daily report in regard to the condition of their respective patients.

Q.—Now please answer my question—whether you know what are the duties of the attendants, formerly called "principal keepers?" and if so, state them.

A.—As regards the duties of attendants during Doctor Tilden's term of office, they are defined in the "general laws," prepared by Doctor Tilden, to be found on pages nineteen, twenty, twenty-one, and twenty-two of printed "By-Laws, Rules, and Regulations of the Insane Asylum of California," published in eighteen hundred and sixty-two, to which reference is here made.

Q.—You have said, in answer to a former question, that it was understood that the duties of principal keepers and attendants are the same; now please state whether such duties are defined in Rule Four of the rules and regulations for the government of the Insane Asylum, attached to the affidavit of William Stockwell, in answer by the Board of Directors to the testimony of Dr. Tilden?

A.—It is plain from Rule Four that the "principal keepers" are to have and exercise a general control over their respective wards and the patients therein; to receive specific instructions as to details from the physicians. These details are evidently not defined in the printed rule referred to; such specific instructions are given in the printed code of general laws, prepared by Doctor Tilden. In speaking of the duties of those respective offices, I speak of them in a general way—that is, that the "principal keepers" had the general duties to perform that are now performed by the attendants, as I have understood, not having been myself an officer of the institution at the time when the attendants were designated as "principal keepers."

[At this stage of the investigation, Doctor Tilden requested that the "general laws," instituted by him in August, eighteen hundred and sixty-one, for the internal government of the institution, and afterwards revised and published in October, eighteen hundred and sixty-two, in a pamphlet entitled "By-Laws, Rules, and Regulations of the Insane Asylum of California," become a part of the exhibit on the part of the Committee of Investigation of the affairs of the State Insane Asylum.—C. D. LYMAN, Clerk of Committee.]

## DOCTOR G. A. SHURTLEFF, RECALLED.

MARCH 8th, 1866.

Q.—Are you a graduate in medicine; if so, state at what school, and the date of your diploma?

A.—Vermont Medical College—date of diploma, eighteen hundred and forty-six.

Q.—Have you devoted your time, since the date of your diploma, to the study and practice of medicine?

A.—I have most of the time—not all.

Q.—Was there a chair or professorship connected with the college at which you graduated especially for instruction, nature, and treatment of mental diseases?

A.—No, Sir; not specially devoted to it.

Q.—Was a knowledge of mental disease, their treatment and management, requisite to graduation in the institution from which you received your diploma?

A.—It was to a certain extent.

Q.—Is the treatment and management of insane persons generally regarded as a specialty?

A.—Yes, it is.

Q.—Please state what experience you have had in California and elsewhere in the treatment of insane persons, and whether you are familiar with the organization of such institutions for the insane in the United States?

A.—I have been connected more or less with the Insane Asylum of California since eighteen hundred and fifty-six; I was familiar with the management of the insane there in eighteen hundred and fifty-six and eighteen hundred and fifty-seven, part of both years, and since eighteen hundred and sixty-one to the present time. During the term of Doctor Tilden's administration as Superintendent, my connection with the institution was in the capacity of Trustee and Director; once during that period, a few days only, during the absence of both the Superintendent and Assistant Physician, I had the care of patients as a physician. My knowledge of the organization and management of such institutions in the Eastern States, and other parts of the world, is derived from reading special works and reports on the subject.

Q.—Will you state what time that was, and what the circumstances requiring such attention on your part?

A.—Doctor Tilden had gone below, and Doctor Clark to Placerville; it is my impression that both left on the same day, and that it was Doctor Clark who engaged me to attend to the patients.

Q.—Are you familiar with the plan of organization adopted and recommended by the Association of Medical Superintendents of American Institutions for the Insane; if so, state what it is?

A.—In answer to that question I will here offer the following:

“PROPOSITIONS IN REFERENCE TO THE ORGANIZATION OF HOSPITALS FOR THE INSANE, PASSED UNANIMOUSLY AT A MEETING OF THE ASSOCIATION OF MEDICAL SUPERINTENDENTS, MAY TENTH, EIGHTEEN HUNDRED AND FIFTY-THREE.

“I. The general controlling power should be vested in a Board of Trustees or Managers, if of a State institution, selected in such manner

as will be likely most effectually to protect it from all influences connected with political measures or political changes; if of a private corporation, by those properly authorized to vote.

“II. The Board of Trustees should not exceed twelve in number, and be composed of individuals possessing the public confidence, distinguished for liberality, intelligence, and active benevolence; above all political influence, and able and willing faithfully to attend to the duties of their station. The tenure of office should be so arranged, that where changes are deemed desirable the terms of not more than one third of the whole number should expire in any one year.

“III. The Board of Trustees should appoint the Physician, and on his nomination, and not otherwise, the Assistant Physician, Steward, and Matron. They should, as a Board, or by committee, visit and examine every part of the institution at frequent stated intervals, not less than semi-monthly, and at such other times as they may deem expedient, and exercise so careful a supervision over the expenditures and general operations of the hospital as to give to the community a proper degree of confidence in the correctness of its management.

“IV. The Physician should be the Superintendent and the chief executive officer of the establishment. Besides being a well educated physician, he should possess the mental, physical, and social qualities to fit him for the post. He should serve during good behavior, reside on or very near the premises, and his compensation should be so liberal as to enable him to devote his whole time and energies to the welfare of the hospital. He should nominate to the Board suitable persons to act as Assistant Physician, Steward, and Matron; he should have the entire control of the medical, moral, and dietetic treatment of the patients, the unrestricted power of appointment and discharge of all persons engaged in their care, and should exercise a general supervision and direction of every department of the institution.

“V. The Assistant Physician, or Assistant Physicians, where more than one is required, should be graduates of medicine, of such character and qualifications as to be able to represent and perform the ordinary duties of the Physician during his absence.

“VI. The Steward, under the direction of the Superintending Physician, and under his order, should make all purchases for the institution, keep the accounts, make engagements with, pay, and discharge those employed about the establishment, have a supervision of the farm, garden, and grounds, and perform such other duties as may be assigned him.

“VII. The Matron, under the direction of the Superintendent, should have a general supervision of the domestic arrangements of the house, and under the same direction do what she can to promote the comfort and restoration of the patients.

“VIII. In institutions containing more than two hundred patients, a Second Assistant Physician and an Apothecary should be employed, to the latter of whom other duties in the male wards may be conveniently assigned.

“IX. If a Chaplain is deemed desirable as a permanent officer, he should be selected by the Superintendent, and like all others engaged in the care of the patients, should be entirely under his direction.

“X. In every hospital for the insane there should be one Supervisor for each sex, exercising a general oversight of all the attendants and patients, and forming a medium of communication between them and the officers.

"XI. In no institution should the number of persons in immediate attendance on the patients be in a lower ratio than one attendant for every ten patients; and a much larger proportion of attendants will commonly be desirable.

"XII. The fullest authority should be given to the Superintendent to take every precaution that can guard against fire or accident within an institution, and to secure this an efficient nightwatch should always be provided.

"XIII. The situation and circumstances of different institutions may require a considerable number of persons to be employed in various other positions, but in every hospital at least all those that have been referred to are deemed not only desirable, but absolutely necessary to give all the advantages that may be hoped for from a liberal and enlightened treatment of the insane.

"XIV. All persons employed in the care of the insane should be active, vigilant, cheerful, and in good health. They should be of a kind and benevolent disposition, be educated, and in all respects trustworthy, and their compensation should be sufficiently liberal to secure the services of individuals of this description."

Q.—Do you give your hearty approval to the plan as above?

A.—I do, for institutions entirely curative in their character; but those rules would not be applicable under all circumstances. Institutions having a large number of harmless and incurable cases would not require so many attendants in proportion to the number of patients. Those rules recommend one attendant for every ten patients; for instance, in the Insane Asylum of California there is in one ward eighty-six patients, and that ward outside of the yard and uninclosed, and yet one attendant manages the patients in that ward successfully. It would be absurd to apply that rule to that class of patients. These patients, however, are placed in the yard or at work on the farm during the day.

Q.—Do you approve of the plan referred to in every other respect?

A.—I approve the plan in every other respect, with such qualifications as I have already indicated. That is a general plan, and might not be applicable to every particular case.

Q.—Do you, or do you not know, whether the institutions of the United States are organized on that plan, excepting, of course, California?

A.—No, I do not know that every Insane Asylum in the United States is organized on that plan in every particular.

Q.—Do you know of any one or more that are not so organized; and if so, state where they are located?

A.—I do not know of any one that is not organized generally on that plan; still, there may be those that are not.

Q.—Do you know what is the prevailing rule in the selection of Trustees or Directors, for all public or State institutions, in the Eastern States, as to the representation of the different parts of the State in the Board?

A.—It is customary to elect a majority of the Directors—frequently two thirds—from the vicinity of the institution they have to manage, and the others from some other section or sections of the State.

Q.—If there are any reasons in your mind why California should not adopt the same rule, please state them.

A.—There is no reason except the great extent of territory of California, the want of facilities for travelling, making it somewhat more expensive and inconvenient to attend the meetings of the Board; and

that objection might be overcome in a great measure by selecting members from cities or localities not very remote from the institution.

Q.—You state in your answer, as the President of the Board of Directors, in reply to the testimony of Doctor Tilden, that when the Directors placed the piggery in the hands of Mr. Winslow, it had been more than half completed, and that the cost of said piggery was about three thousand dollars; please state what means you had at hand to ascertain the cost of said piggery?

A.—The account kept by the Superintendent, Doctor Tilden, and the bills which afterwards came in, and the material on hand, which I believe were not embraced in said account of Doctor Tilden. His account of bills rendered or paid showed an expenditure, according to the best of my recollection, of one thousand one hundred and eighty-two dollars. In addition to that, the brick were on hand, which would swell the account to a higher sum.

Q.—Do you know the materials for the piggery on hand, and not used in the building of the piggery, were not included in the sum of one thousand one hundred and eighty-two dollars?

A.—I think they were not; but I am not positive.

Q.—If the said piggery was more than half completed, and said materials on hand were included in the account of one thousand one hundred and eighty-two dollars, how could the entire cost have been as much as three thousand dollars?

A.—Simply because it was started on such an extensive scale or plan, at that time.

Q.—Did your by-laws require there should be an improvement account kept, and if so, was such an account kept after the superintendency of improvements was taken from Doctor Tilden by the Board of Directors, and given to Henry Winslow?

A.—The by-laws did require such an account to be kept, and such an account was kept by the Treasurer of the Board.

Q.—Was that account kept in such a manner that the Board of Directors were able to tell what any particular matter of improvement cost; for instance, the piggery, or any one special improvement in connection with the new Asylum buildings?

A.—There was not a separate account kept of each improvement. The expense account of the new building was kept separate; but this matter of the cost of the piggery was referred to a committee, and ascertained or approximated by that committee.

Q.—Please state what means that committee resorted to to obtain that fact or that information?

A.—I was not on that committee, but understood it to be by a segregation of the bills for that particular improvement, and from information derived from Mr. Winslow, who superintended the completion of the structure.

Q.—Did the bills of materials bought by Mr. Winslow designate on their face for what special improvement they were purchased?

A.—I do not know whether they did, or not. I think they did not; but Mr. Winslow kept a memorandum of materials used and labor performed there.

Q.—Did Mr. Winslow purchase, did he receive from the parties from whom he purchased, and did he dispose of the materials used in the several improvements referred to, without any check upon him, whereby the Directors might know that his bills of purchases corresponded with

the actual amount of materials distributed in the erection and completion of said improvements?

A.—The bills were examined and audited, and when they were found correct, allowed. He was intrusted with the disposition of the materials purchased so far as their use was concerned in making these improvements.

Q.—What means did the Board of Directors resort to to ascertain if these bills were correct?

A.—The bills were examined, and Mr. Winslow himself made a report to the Board of the expenditures. They were all referred to an Auditing Committee, of which I was not a member, and this committee reported on them to the Board. I do not know all the means the Auditing Committee resorted to to ascertain their correctness.

Q.—In regard to the piggery, Mr. Winslow says in his affidavit—"concerning the piggery, I would say that more than half the expense of its construction had been incurred before it was turned over to me by the Board of Directors for completion;" now, if such be the fact, and the expenditures made by Doctor Tilden were but eleven hundred and eighty-two dollars, as you say, how could the piggery have cost three thousand dollars?

A.—In answer to that question I would state that some of the expenses already incurred were not charged to the piggery in that account viz.: Doctor Tilden's account of eleven hundred and eighty-two dollars. The principal item, and the only one that I am conversant with, was the brick, which had already been burned, and were afterwards used in the construction of the piggery, and, subsequently, charged to the piggery account; that is the way I understood it.

Q.—What was the amount charged to the piggery account for bricks; and what was the number of bricks used?

A.—I do not recollect the exact quantity of bricks used, nor the estimated value of them?

Q.—Did not Doctor Tilden render to the Board of Directors at the request of the President of the Board, a statement of the exact cost of the bricks, showing that they were made at an expense of less than four dollars and fifty cents a thousand?

A.—He did render an account of the amount of bricks made, and the cost; I do not recollect the exact cost per thousand of making them, but, according to my best recollection, it was very much below the market price of brick.

Q.—In answer of the Board of Directors to Doctor Tilden's testimony, they complain of his having made expenditures in refitting the dining rooms; and in the heating apparatus of the institution. Will you state whether Doctor Tilden did or did not report to the Board of Directors of his having done so, and his assigning his reasons therefor; and whether the Board did or did not approve of his action in the matter at that time?

A.—They approved the bills after the expenditures were made. I have no distinct recollection of any particular report on the subject; it is a matter of record of transactions which occurred years ago.

Q.—Do you recollect that the Board of Directors signified to Doctor Tilden in any way their disapproval of said expenditures at that time?

A.—I recollect that there was some complaint made of the expenditures in the Board by individual members, but cannot say that such complaints were communicated to him at the time, or that the majority of the Board made objections to the expenditures.

Q.—In view of the fact that prior to that time the patients were fed

by the use of tin pans and iron spoons, and that the wood stoves being secured by wooden protections, had been set on fire, thus endangering property and the lives of the patients, do you now consider the expenditure an unwise and unnecessary one?

A.—I cannot answer the question in view of any such assumption of facts, because it is the first time I was aware that such injury had been done by the old stoves, or that they incurred such danger. The principal objection entertained by the Board was that they were not consulted before the expenditures were incurred—the law providing that all necessary expenditures, other than for fuel, food, and clothing, should be made by the Resident Physician, subject to the inspection of the Auditing and Finance Committee and the approval of the Board. This was an extraordinary expenditure, amounting, as nearly as I recollect, to between seven hundred dollars and one thousand dollars; this is for stoves and fenders alone.

Q.—Did you not know that Doctor Tilden, in his report, in which he assigned his reason for making such expenditure, stated the fact that the wooden guards around the stove in the fourth ward had taken fire during the night, consuming a large portion of the same, together with a bench, and also setting fire to the bed of a patient who was sleeping on the floor adjacent thereto?

A.—I do not recollect it; I know that the institution had taken fire several times, but I don't recollect any instance except from the flues.

Q.—Did you, or did you not, enter upon your duties as Trustee of the Asylum at the same time that Doctor Tilden was placed in charge of the institution as Resident Physician; and do you, or do you not recollect that the inefficiency of the cesspools in the yards, and the great necessity of some other means of sewerage was presented by Doctor Tilden to the Trustees, and the Board agreed with him that some remedy was necessary, and directed steps of inquiry as to the best means to be adopted?

A.—I entered upon my duties as Trustee at the time referred to. In regard to cesspools, I do not recollect their condition as being inadequate to receive the drainage—or, in other words, that they overflowed; but complaints were made of the drainage from the Asylum being a nuisance, where a portion of it emptied into the slough near to and south of the institution; and it was thought by Doctor Tilden that more efficient means for drainage were necessary, and becoming more and more so—and the Board agreed with him in this opinion.

Q.—Was the discharge you refer to near the Asylum, which you say was pronounced a nuisance, from said cesspools, or was it the waste water from the pump in the yard?

A.—It was from the waste water.

Q.—Do you know of your own knowledge that the cesspools did not overflow in the yards, as represented by Doctor Tilden, and had you any reason to believe that Doctor Tilden's representation was not correct?

A.—I had no reason to believe that it was not correct.

Q.—Did the Asylum under Doctor Tilden's management at any time degenerate or lose character in your opinion, or was there not a steady improvement in the general condition of the institution for some time after he took charge?

A.—I think that the Asylum for the first three years did not degenerate, but there was an improvement during that period of his administration.



Q.—Accompanying Doctor Tilden's report for the year eighteen hundred and sixty-one, in which he gave a description of the condition of the institution, and in which he says: "Whatever your opinions may be, (addressing the Directors,) for myself I can only repeat what I said in the beginning, that the more carefully I inquire into the condition of the Asylum the more thoroughly am I convinced that we have in it a prison and nothing more; that if there is any marked difference between it and any well conducted State Prison, it is in favor of the latter, from the fact that means of employment are provided for its inmates, while the inmates of the Asylum spend their days in idleness." Said report having been laid before the Directors, did they, or did they not, refer to the same in their report with a clear understanding as to the facts therein set forth?

A.—I understood his report. I do not speak for the other members of the Board?

Q.—Were you sincere in signing the report of the Board of Directors, addressed to the Governor, for that year, in which it is said, "in further compliance with the statute, they also transmit the report of the Resident Physician for the same period, to which they refer your Excellency for full and complete details of the present condition of the institution and its general management, together with accounts of the separate expenditures in the different departments, and for improvements and other interesting statistics. They respectfully call your attention, and through you, that of the Legislature, to his suggestion in regard to necessary improvements to be made, in order to place this institution on a footing with others of the same character in the old States, and recommend that the Legislature make such appropriations as may be hereafter ascertained to be necessary for carrying out his views?"

A.—I would say, that in regard to his report as to the present condition of the institution, the Directors' report had reference to the sanitary condition of the Asylum, to the increase of patients, deaths, number of patients on hand, and other matters of that kind. As to the fanciful description defaming the character of the institution, I do not, and did not then, concur with Doctor Tilden. I regarded it merely as an over-drawn picture of a condition of things that did not exist in reality, and which is contradicted by his own statistics of the cures effected under his administration. During the very year in which he characterized the institution as but a "prison," he recorded seventy-seven and seventy-seven one hundredths percentage of cures to the number of admissions, a ratio of cures nearly double that produced in the institutions of like character in England, and very much greater than the average of cures in the best institutions of like kind in the Atlantic States. And during the whole existence of the institution, I say, upon my oath, that the average of cures in the Insane Asylum of California, on the number of admissions, as ascertained by his own reports and the reports of other Superintendents, has been as great, or greater, than the average of cures in other like institutions of the country, as shown by the reports of the respective Superintendents of such institutions. In regard to my sincerity in the report referred to, I was sincere, believing that he did not intend, by such a description of the Asylum, and such a comparison, to injure the reputation of the institution, but that it was done rather to obtain means by way of appropriations to improve it. For those reasons the Board did not, in its report, give any dissenting opinion, and also because such an opposition to his views would have led to a difference and controversy between himself and the Board at that early period of his administration, which would have resulted in injuring or destroy-

ing or destroying in a measure the usefulness of the Asylum. I did myself, subsequently, as President of the Board, endeavor to correct the erroneous impressions and the injury done the reputation of the institution, by its being compared to a "prison," or worse than a prison, in a communication to members of the Legislature of eighteen hundred and sixty-four, which communication was published by order of the Senate in the Appendix to the Senate Journals of that year, and to which I now refer, as an evidence of my dissenting, long ago, to the character given by Doctor Tilden to the Asylum in calling it but a "prison."

Q.—What interval existed between Doctor Tilden's "fanciful sketch" in his report of eighteen hundred and sixty-one, and your alleged disapproval of the same?

A.—This publication of mine referred to was made in the winter of eighteen hundred and sixty-four.

Q.—Your answer immediately preceding the last one implies that you, as an officer of the State Insane Asylum, suffered a "fanciful sketch," made by Doctor Tilden in his report, but false in fact, to go to the Governor and Legislature with your indorsement, inasmuch as you supposed it was resorted to to obtain money from the Legislature to carry out Doctor Tilden's particular views in relation to certain necessary improvements referred to by him. What explanation can you give for allowing him to make such a misrepresentation of the real condition of the institution?

A.—I allowed him to do it, because I could not prevent him; and as to the condition of the institution, it showed for itself, was visited daily by citizens from various parts of the State, and it was very well known that the Legislature would inform itself, through its usual committees, in regard to it.

Q.—Could you have not dissented in that case, as on another occasion, from the views of Doctor Tilden, published in his report, and given your real sentiments to the Legislature in regard to the institution?

A.—Of course I could, but did not deem it necessary, for reasons before stated.

Q.—Did the Board of Directors pay Mrs. Davis for services as Matron after she had left the institution; and if so, for what time, and how much?

A.—They did not during the period of her absence, except I cannot say but that they paid her for a short time after being expelled from the institution by Doctor Tilden. I know they did not pay her after she left Stockton.

Q.—How long did she remain in Stockton after she left the institution?

A.—I have forgotten.

Q.—At what date did you qualify and enter upon your duties of the office of Resident Physician of the Insane Asylum?

A.—I qualified on the fourth of August, eighteen hundred and sixty-five, and it was on the fifth I took possession. I was elected on the first.

#### TESTIMONY OF JOSEPH WAHLAR.

MARCH 9th, 1866.

Joseph Wahlar, sworn :

Q.—Were you employed at any time at the State Insane Asylum; if so, state when and how?

A.—I was employed there two years. I was assistant of the third ward from June, eighteen hundred and sixty-three, until October, eighteen hundred and sixty-three. After that I was placed in the garden as assistant in charge of patients, till April, eighteen hundred and sixty-five; from that time I had charge of the fifth ward as attendant, until May first, eighteen hundred and sixty-five.

Q.—State in what condition you found the fifth ward, that is, the ward and patients, when you took charge, and what the condition while you had charge, and what the condition the day you left it?

A.—In a bad and neglected condition; it took me nearly all the time I was there to clean up the ward and some of the patients. I made alterations there, in keeping the sick patients in bed and cleaning them as they ought to be cleaned. I spent a good deal of time expressly in the clothes room and bath room. I found piles of dirty clothes there that had been lying there for two weeks. In the attendants' room, I found a good many bottles and boxes of medicine, prescribed for patients in that ward; part of that medicine had never been used at all. I told Mr. Forbes, the Apothecary, to arrange them for him. Part of them had no labels on. Forbes made the remark that the patients had never used any of that medicine, and the patients sick all the time, and that Doctor Tilden had prescribed new medicines for them, and that the patients had never got it.

Q.—Did you keep the wards, beds, bedding, and patients in a cleanly condition?

A.—Yes, I did.

Q.—Were they in that condition the day you left?

A.—They were in a good clean condition when I left them?

Q.—Were any of the sick patients—meaning those that were in bed—lousy and filthy; were their beds wet, and the floor under their beds wet?

A.—I left them in a clean, comfortable condition when I left them.

Q.—Was any of them filthy and lousy?

A.—No, Sir. I attended to them most all the time myself, and I never would let them be sick in bed, filthy and lousy.

#### TESTIMONY OF CORMICK McMANNUS.

MARCH 9th, 1866.

C. McMannus, sworn:

Q.—Were you employed at the State Insane Asylum; if so, state when, and how employed?

A.—I went to the Asylum in April, eighteen hundred and sixty-four; I worked in the garden, in charge of patients, over a year, from April, eighteen hundred and sixty-four, to April, eighteen hundred and sixty-five; I was then taken inside, and placed in charge of the sixth ward. I found the ward clean and nice when I took charge, and all patients, except two, who had a few lice on their heads. After examining them all, they were all clean but the two. When I left the ward the patients and the ward were as clean as could possibly be, and as clean as any house I ever saw.

Q.—In Charles Ruoff's affidavit, presented by the Board of Directors in their answer to Doctor Tilden's testimony, he (Ruoff) says: "When I left my ward, on the eighteenth day of April, eighteen hundred and sixty-five, it was in a good condition, the patients were clean and tidy, and free from vermin; when I came back, on the first of May following, the ward had the appearance of being neglected, the floors were dirty—especially the hall floor; such of the patients as were not able to take care of themselves were filthy and lousy—quite a number were in that condition; the storeroom was in great disorder." State whether, of your own knowledge, the statement of Ruoff, as above, is true or false?

A.—About the patients when he left, his statement is true, with the exception of two, which were lousy; the balance of the statement is false.

#### J. B. SAUL, RECALLED.

MARCH 9th, 1866.

Q.—In your former testimony you state that you held the position of farmer and gardener of the Asylum, and for a short period discharged the duties of Supervisor, between the periods of April eighteenth, eighteen hundred and sixty-five, and May first following. Please state in what condition you found the wards and patients when you entered upon your duties as Supervisor; and in what condition they were kept during that time?

A.—Generally speaking, I found the wards and patients in good order, the exception being as stated by the two previous witnesses. I was particular in examining and scrutinizing the wards and patients closely; was constantly in communication with the attendants and assistants, and everything was done that could possibly be done to keep the wards and patients as clean as it was possible for men to have them; and the wards and patients were in the same condition when I left.

Q.—You have heard the testimony of Henry Winslow read; please state what you know in regard to the matters therein referred to?

A.—I took the tools from Mr. Winslow's men as I required the use of them for my own men, and not before. He continued to use them till I required them myself. I complained of his workmen taking the fruit, which they did in large quantities, injuring the trees; and, in order to prevent this, I was ordered to close the little gate which led out of the orchard into the public road. I personally notified the most of his men the reason why the gate was closed, and politely requested them not to go through there any more. The distance saved by going through the orchard was very short. The dusty portion of the road leading to the new building I covered with straw to suppress the dust and make it comfortable travelling. The route to the new building, by the main road, was not bad travelling after I had put the straw on the road. The gate was broken open by Mr. Winslow, I think the same day; and as soon as I could see Mr. Winslow after I had it closed, I told him of what I had been instructed to do, and had done. He replied petulantly that he would go through there as long as he pleased; angry words passed on both sides, and we never spoke friendly after. Some hasty words used by me on that occasion, in less than half an hour afterwards I told his son, Eugene Winslow, that I regretted, in the heat of the moment, having



so far forgot myself to use them. After the teams, patients, and tools, were refused Mr. Winslow, I received an order on one occasion from Doctor Tilden to let him have a team. Doctor Tilden told me that he would let Mr. Winslow have a team at any time he would come personally and ask for it.

Q.—Do you or do you not know whether the small gate referred to had been nailed up from or about the time that Murry, the former gardener, left the institution, and that it had been opened by Mr. Winslow or some of his men, thus giving them free access to the orchard and garden?

A.—That particular gate was never permitted as a thoroughfare; it was generally kept locked or nailed up; it would be sometimes found open mysteriously, but as soon as discovered be again fastened up till opened again in some such manner. During the fruit season all travelling through the orchard to that gate was forbidden either attendants or patients, in order to protect the fruit and have it for the use of the Asylum and patients. I do not recollect now whether Mr. Winslow opened the gate himself or found it open, when my attention was first drawn to it. The distance saved in coming through the orchard was so trifling that it seemed to me that Mr. Winslow permitted his men to come through that way for the especial purpose of provoking controversy.

Q.—Did you find that Mr. Winslow's men not only stripped the trees of the fruit as it ripened, but destroyed unripe fruit? and did they or did they not pluck the grapes from the vines on their route to the Asylum—pick off the few ripe grapes and leave the bunches scattered on the ground?

A.—Such was a common daily occurrence.

Q.—Did you find that Mr. Winslow's men went into the melon patches of the Asylum and took the ripe melons, without leave, and also cut open and destroyed the unripe melons?

A.—The melon patch adjacent to the building, that yielded a good many melons on the vines, furnished so few for the Asylum that the supposition is that his men consumed them all, but I do not know that they did of my own knowledge.

Q.—State whether you received an order from Doctor Tilden, directly or indirectly, to allow Mr. Winslow the use of all tools and implements of husbandry, horses, carts, etc., when not in actual use under the direction of the Resident Physician?

A.—I received such an order when they commenced to excavate for the foundation of the new building. I am not certain whether I received it from Doctor Tilden or the Steward. Mr. Winslow continued to use the tools, teams, etc., until I received an order from the Steward countermanding it.

Q.—Did Mr. Winslow ever apply to you in person or by one of his men for those things, and not get them?

A.—Mr. Clark, one of Mr. Winslow's employes, came to me for the use of a team, and I told him if he would bring me an order from Doctor Tilden, he should have it. He went to Doctor Tilden, and returned to me with a written order for the team, and it was furnished him.

# TESTIMONY OF GOVERNOR F. F. LOW.

MARCH 10th, 1866.

F. F. Low, sworn:

Q.—Doctor Morse, in his testimony before the Investigating Committee, states "that in a statement made by Doctor Clark, of the circumstances of the death of Mrs. Adams, that it was stated to Doctors Whitney, Tilden, and Governor Low, and himself; that it was a melancholy affair, and stated to them for consultation as to what was best to be done about it, and it resulted in them *all* coming to the conclusion—for the benefit of humanity, and for the purpose of saving the feelings of the husband—that the real cause of the death should be suppressed." Please state whether you were present when any such consultation took place?

A.—I was not present when any matter of the kind was discussed, nor had I any knowledge of the death of any such person until I saw it stated in the newspapers. Doctor Morse has made an unintentional error in stating that I was present at the consultation. I did accompany Doctors Morse and Whitney on their visit to the Asylum at the time when it is said that this consultation took place, which will account for the error made by Doctor Morse in his testimony. I desire to submit the accompanying letter from Doctor Morse, and make it a part of my testimony:

SAN FRANCISCO, March 2d, 1866.

Governor F. F. Low:

DEAR SIR:—Your favor of twenty-eighth I received this morning. I am sorry anything I have said or done should have caused you the least inconvenience. Nothing of the kind was intended. In my testimony in respect to the drowning case, I did not intend to state positively those present, nor do I think I did so. What I stated was, that I thought the parties present were those mentioned, but that I could not say positively. Doctors Whitney and Tilden remember the incident; but Doctor W. is uncertain as to the parties present beyond Doctors Clark, Tilden, and myself. In respect to the second impression, it seems to me you must have put an erroneous construction upon my testimony. It is true, that in naming you as one of the parties from whom we derived information that the Legislature had been induced to allow the use of Asylum funds for contingent improvements of accommodation, in consequence of pledges that the funds should only be used by such a rule, I did refer to you as Governor Low, and not Mr. Low; but beyond that, I never dreamed of extending my testimony. If I should not come to Sacramento next Tuesday, in company with Doctor Whitney, I wish you would have my testimony so far modified as to relieve me of anything which conflicts with the above explanation.

Yours, very truly,

J. F. MORSE.

[A true copy—C. D. LYMAN, Clerk of Committee.]

I desire to say further, that Doctor Morse called on me on Thursday, and stated to me that he visited Sacramento for the purpose of correcting his testimony referred to, but that he was unable to see the com-

mittee before the time he was obliged to leave, at two P. M. I desire to correct an erroneous construction that might be placed upon Doctor Morse's testimony touching another point. In my communication made to him concerning the pledges of the San Joaquin delegation in the Legislature of eighteen hundred and sixty-three and eighteen hundred and sixty-four, as to the location of additional buildings, I stated only what I had learned from Senators and members of the Assembly—and particularly Senators Cunningham of Yuba, and Moyle of Sierra. No pledges were made to me.

## H. ARENTS, RECALLED.

MARCH 10th, 1866.

Q.—In your former examination you stated that you held the position of Steward of the State Insane Asylum; state whether you were there at the time referred to by Mr. Winslow, and what you know of the subject matter of the part of his affidavit which you have just heard read?

A.—I was there as Steward at the time referred to in Mr. Winslow's affidavit. In March or April, eighteen hundred and sixty-four, I received an order from Doctor Tilden to furnish Mr. Winslow with all tools, such as shovels, picks, hoes, spades, horses and wagons, that he may want in the excavations being made for the new buildings. I carried that order to the gardener, Mr. Saul, and saw that Mr. Winslow was furnished with all the shovels, picks, horses, and wagons that he wanted for that purpose; there were in all thirteen shovels and spades. I think it was in the month of May the gardener, Mr. Saul, called upon me for some shovels that he required for the use of the farm; I went with him to Mr. Winslow, and asked him if he could let me have half a dozen of the shovels—that we wanted to use them on the farm—at the same time telling him that I would buy a half dozen shovels for our use, or if he would buy them in the place of those I was taking away, I would bring them to him in the wagon when I went to town—Mr. Winslow saying: "Very well, I will buy them at Underhill's hardware store, and when you go to town I wish you would bring them up for me." He delivered the shovels I asked for, and I brought the shovels he bought in town to him. I never received an order from Doctor Tilden revoking the order allowing Mr. Winslow the use of tools, horses, wagons, etc.; but I did receive an order from Doctor Tilden to the effect that Mr. Winslow must furnish his own drivers for his horses—and carried the same to the gardener, Mr. Saul.

Q.—Mr. Winslow states in his affidavit that he had the use of patients four or five days at work on the new building, and after that, during its entire progress, the work of the patients was not allowed—or words to that effect. State if you know why the work of the patients was not continued on the improvements under the direction of Mr. Winslow?

A.—For reasons that Mr. Winslow would not furnish persons or attendants to take charge of them while they were in his possession. I remember, in one instance, when they were left in the grounds in the care of the proper attendant, when two of them broke and ran away. Mr. Morresy, the Supervisor, and, I think, one of our garden employes, overtook them, and brought them back. I overheard the Supervisor in

conversation with Eugene Winslow, to the effect that Doctor Tilden would not let them have any more patients out at the new building, unless he took care of them, and prevented them from running away. Eugene Winslow's answer was, "that he would be damned if he would take care of them, and was not there for that purpose." This being reported to Doctor Tilden, he then sent the patients and a man of the name of — Smith to take care of them, which continued for some days. Doctor Tilden then informed me that he had a conversation with Mr. Winslow, to the effect that if Mr. Winslow would pay for the services of a man to take care of them, he could have the patients. Mr. Winslow refused to pay for the man; then Doctor Tilden sent me an order that no more patients must be taken out to work on the new building, unless Mr. Winslow furnished a man to take care of them; as Mr. Winslow would not furnish a man, no more patients went out, to my knowledge.

Q.—You have heard the testimony read in relation to building steps over the fence, and tearing them down; is the same essentially true, or not?

A.—I did not do it, and was not present when they were torn down. I gave Doctor Tilden an axe, and he informed me that he knocked them down.

Q.—Were you Steward of the Insane Asylum during Doctor Tilden's term of office, and had you charge of the improvements and repairs under his direction; if so, state what was the condition of the cesspools in the yards, including the one in the rear of the second ward, used as a privy?

A.—I was. In the month of May, eighteen hundred and sixty-one, I found that the cesspools in the different yards were full; the one attached to the second male ward was full to overflowing, so much so that the excrement flowed over into the water closet of the second ward. For the relief of that cesspool another was dug a short distance from it, and the connection was made between them. In the female department, the cesspool connected with the second ward was in the same condition, and another cesspool was dug and connected in like manner.

Q.—Were the connections of the cesspools with the water closets subject, from obstructions, to being bursted, and the contents overflowing the yards, emitting an offensive effluvia?

A.—They were very frequently.

SUPPLEMENT.

## SUPPLEMENTAL.

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SAN FRANCISCO, Cal., January 22d, 1866.

To Doctors J. F. MORSE, J. P. WHITNEY, H. TOLAND, A. J. BOWIE, and  
Professor LANE:

GENTLEMEN:—Herewith find printed copy of testimony taken at an inquest held on the body of one James Lilly, etc.

Your attention is particularly called to the testimony of Doctors Whaley and Langdon, found on page six. You are requested to examine the same with care, and give us in writing, verified by your oaths before some officer authorized to administer oaths, your professional opinions whether from the *facts* found in said testimony, the *conclusions* of Doctors Langdon and Whaley, that the injuries were inflicted upon the body of Lilly after death, are correct or not.

You will also answer the following questions:

*First*—How long would a man of ordinary health, strength, and vigor, survive such injuries, if inflicted while living?

*Second*—What would be the difference in the appearance of two bodies, on one of which these injuries were inflicted before, and the other after death?

*Third*—Would the absence of extravasated blood be accounted for (if it had existed) by the fact that ten days or two weeks had transpired since the death?

*Fourth*—Would the evidences of extravasated blood be destroyed by the body having lain twenty days in water?

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HON. C. E. PRATT,

Chairman of Committee of Investigation:

DEAR SIR:—After a careful examination of the two medical opinions upon the post mortem case of James Lilly, the undersigned are unable to answer the questions, or to arrive at conclusions which you demand. The extraordinary condition in which the body of this man is reported to have been found suggests much testimony which is not given, before conjectural conclusions could be discreetly expressed.

The existence of such a number of fractures of the ribs, fracture of the

sternum, and dislocation of the clavicle, must almost necessarily presuppose an abnormal condition of the bones themselves, making them so friable as to nearly destroy their normal power of resistance; but to sustain or destroy this conjecture, there is no evidence which a few experiments would have yielded.

The reports do not state that any of the remaining whole bones, or any of the fragments of them, were subjected to any force as a test of their comparative strength, nor do they allude to the condition of the external surface in color or hardness, or the appearance of the cancellated structure, or the size or weight of the ribs. A portion of one of these bones, subjected to a separative test, would have conclusively shown whether they were normal or diseased, and thereby solved a question which is otherwise made inexplicable.

While both physicians testify to the number and location of these fractures, one of them says nothing about any injury having been inflicted upon the subjacent soft parts, and the other uses this language—"I could discover no evidence of external injury upon the skin, nor internally upon the pleura, nor any of the internal viscera of the thorax."

Now, when we consider that bones, in their healthful development, have a strength equal to twice their size of oak, we can imagine the force required to produce such a combination of fractures, and the probable lacerations, abrasions, and punctures which would occur to the soft tissues exposed to the ragged fragments of fracture; and yet in this anomalous case there was no evidence of the least injury inflicted upon the pleural lining, or the vital organs immediately under the points of fracture. Then, again, the character of the fractures is almost conclusive evidence of the date of infliction; but of this we learn nothing by the post mortem reports. Whether they were transverse, oblique, or splintered, is not mentioned; and yet one of the best medico-legal authorities in the world makes the following arbitrary declarations in respect to these injuries. We quote from Casper's Forensic Medicine, volume one, page two hundred and sixty-four:

"The ribs are more easily fractured in the dead body than the long bones, but the fracture is always a simple cross one, and is never splintered."

And on page two hundred and forty-eight, in connection with a case of double splintered fracture upon both sides, he uses the following language:

"Our own numerous experiments upon dead bodies enables us also to state, positively, that it is impossible to produce *such* fractures of the ribs after death."

If there were a condition of the bones in the Lilly case making them to the last degree friable and easily broken—as easily broken as they must have been to have escaped inflicting the slightest puncture, abrasion, or laceration of the parts into which the breaking force must have driven them, then, indeed, it would be very injudicious for an expert to say that the individual could not survive, for an indefinite period, the infliction of even such a number of fractures.

Where so many fractures could be produced without any injury, physically or physiologically, to the pleura, heart, or lungs in the chest, or to the stomach, spleen, or liver, immediately below, we have no

reason for affirming that they would necessarily destroy life; nor can we, per consequence, form any definite conclusion as to whether the injuries were inflicted before or after death.

Certainly with such posthume exemption from membranous or visceral injury, we could not consistently declare that they were not inflicted during life, especially when an eye witness testifies to the greatest abuses being inflicted upon this part of the subject's body; nor could we then account for such lesions of the bones without corresponding destruction to the subjacent parts.

On the evidence submitted to us, we find it impossible to reconcile the fractures with the relative appearances described, by any authority we know of, or by any reasoning we can summon to our aid.

We regard your first question answered as far as we can reply to it.

Your second question we answer thus: Generally, wounds inflicted before death are marked by vital reaction, signs of inflammation, hemorrhage, suppuration, swelling, cicatrization, granulation, etc.

Your third and fourth questions we answer by the following case from Casper, page seventy:

"This case could be perfectly explained three weeks after death. It was that of a woman, aged eighty years of age, who was driven over, and died in the hospital after six days. The body was still (in February) tolerably fresh, only her abdomen was already dark green, the cuticle abraded, and the color of the eyes no longer recognizable. In the absence of any other important cranial injuries, the scalp wounds, which could be seen to have been artificially enlarged, could not be regarded as the cause of death any more than a transverse fracture of the cheek bone could be. But we found five ribs on the left side (the third to the seventh, inclusive) transversely and doubly fractured, with tolerably smooth edges; and we found the distinct traces of an ecchymosis of the soft parts covering these ribs, and also that the pleura of the left side was distinctly much redder than that of the right side. In the left pleural cavity there were eight ounces of bloody fluid, and more in the right one—this circumstance being opposed to the idea of the effusion being merely a cadaveric phenomenon. Both lungs were connected to the ribs by soft and purulent adhesions, which could be easily torn, and were, therefore, of recent formation. On the superior lobe of the right lung there was a small blood coagulum the size of a two shilling piece. It was, therefore, easy to decide that the woman had her ribs fractured by the accident, and this had given rise to fatal pleuritis."

JAMES P. WHITNEY, M. D.  
DOCTOR L. C. LANE.  
H. H. TOLAND, M. D.  
JOHN F. MORSE, M. D.  
A. J. BOWIE, M. D.

STATE OF CALIFORNIA,  
City and County of San Francisco. } ss.

On this fifth day of February, A. D. eighteen hundred and sixty-six, personally appeared before me, Henry Haight, a Notary Public in and for said city and county, the above named James P. Whitney, L. C. Lane, H. H. Toland, A. J. Bowie, and John F. Morse, and did severally depose and swear that the matters set forth in the foregoing instrument by them subscribed are true to the best of their knowledge and belief.



Witness my hand and official seal this fifth day of February, A. D. eighteen hundred and sixty-six.

HENRY HAIGHT,  
Notary Public.

[Internal revenue stamp, cancelled.]

DECENNIAL TABLE of the *Necrology of Stockton, ending December thirty-first, eighteen hundred and sixty-five, arranged according to the classification recommended by the American Medical Association.*

FIRST CLASS.

*Zymotics—diseases which are epidemic, endemic, or contagious.*

Diseases and causes of death.	No.
Diarrhœa.....	7
Diphtheria.....	36
Dysentery.....	29
Erysipelas.....	1
Fever (continued).....	45
Fever (intermittent, including congestive).....	11
Measles.....	4
Scarletina.....	40
Puerperal fever.....	6
Whooping cough.....	9
Total.....	188

SECOND CLASS.

*Diseases of general uncertain and unlocalized seat.*

Diseases and causes of death.	No.
Abscess.....	2
Cancer.....	6
Debility (general).....	12
Dropsy.....	19
Marasmus (tabes mesenterica).....	10
Tuberculosis.....	2
Total.....	51

THIRD CLASS.

*Diseases of the nervous system.*

Diseases and causes of death.	No.
Apoplexy.....	3
Meningitis.....	2
Convulsions, including puerperal.....	42
Delirium tremens.....	7
Hydrocephalus.....	19
Nervous organs, diseases of, including brain diseases, congestion and softening.....	47
Paralysis.....	3
Tetanus.....	4
Epilepsy.....	1
Acute mania.....	1
Sun stroke.....	1
Total.....	130

FOURTH CLASS.

*Diseases of the respiratory system.*

Diseases and causes of death.	No.
Bronchitis.....	2
Consumption.....	121
Croup.....	19
Lungs, disease of, including congestion, hemorrhages, and asthma.....	8
Pneumonia.....	29
Pleuritis.....	1
Laryngitis.....	1
Total.....	181

## FIFTH CLASS.

*Diseases of the circulatory system.*

Diseases and causes of death.	No.
Heart, disease of.....	19
Phlebitis.....	1
Anemia.....	1
Total.....	21

## SIXTH CLASS.

*Diseases of the digestive system.*

Diseases and causes of death.	No.
Bowels, disease of, including congestion and constipation.....	27
Liver, disease of.....	8
Stomach, disease of.....	2
Dentition.....	15
Cholera infantum.....	6
Cholera morbus.....	2
Total.....	60

## SEVENTH CLASS.

*Diseases of the urinary system.*

Diseases and causes of death.	No.
Diabetes.....	1
Stricture.....	1
Total.....	2

## EIGHTH CLASS.

*Diseases of the genitive organs.*

Diseases and causes of death.	No.
Parturition.....	10

## NINTH CLASS.

*Diseases of the locomotive system.*

Diseases and causes of death.	No.
Rheumatism.....	2

## TENTH CLASS.

*Diseases of the integumentary system.*

Diseases and causes of death.	No.
Old age.....	10

## ELEVENTH CLASS.

Diseases and causes of death.	No.
Old age.....	10

## TWELFTH CLASS.

*External causes.*

Diseases and causes of death.	No.
Accidents, fractures, falls, poisoning, etc. ....	5
Burns and scalds.....	7
Drowned .....	23
Intemperance .....	9
Suicide.....	12
Executed.....	4
Starvation .....	1
Killed .....	20
Onanism .....	1
Total .....	82

## THIRTEENTH CLASS.

Causes not stated, including those dying suddenly, and no cause known .....	33
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## RECAPITULATION—TOTALS.

First class.....	188
Second class.....	51
Third class.....	130
Fourth class.....	181
Fifth class.....	21
Sixth class.....	60
Seventh class.....	2
Eighth class.....	10
Ninth class.....	2
Tenth class.....	10
Eleventh class.....	82
Twelfth class.....	33
Thirteenth class..	770
Total number of deaths from all causes.....	770

## POPULATION OF STOCKTON.

Date.	Authority.	Population.
1852.	Stockton Directory.....	6,000
1856.	Stockton Directory, by Bogardus.....	5,500
185—.	Bayard Taylor's Second Visit.....	7,000
1859.	Overland Journey to California, by Horace Greeley.....	15,000
1862.	Resources of California, Hittel.....	5,500
1862.	Bancroft's Handbook .....	4,000
1863.	Bancroft's Handbook .....	4,000
1864.	Bancroft's Handbook.....	5,000
1866.	At a moderate estimate.....	5,000

Estimated average population for the decade embraced in the above table of mortality, four thousand five hundred.

Ratio of deaths in Stockton for ten years, exclusive of deaths from external causes, one death to 65.21 of population.

Including deaths from external causes, one death to 58.44 of population.

## STATEMENT OF RATIO OF DEATHS FOR COMPARISON.

	Population to one death.
Norway.....	56
Sweden.....	49
Denmark.....	49
England.....	44
France.....	44
Belgium.....	42
Netherlands.....	39
Prussia.....	36
United States, by corrected estimates from eighth census*...	45.5
Philadelphia.....	45.68
Glasgow.....	44
Manchester.....	44
Geneva.....	43
Boston.....	41.26
Baltimore.....	41
London.....	40
New York.....	38
St. Petersburg.....	37
Charleston.....	36.5
Leghorn.....	35
Berlin.....	34
Paris.....	32
Madrid.....	29

\* Preliminary Report of Eighth Census, page 30, and Childs' Annual Register, 1863, page 314.



	Population to one death.
Naples .....	28
Brussels.....	26
Rome .....	25
Amsterdam.....	24
Vienna*.....	22.5

\*Dunglison's Medical Dictionary.

Following is the number of deaths in the Asylum at Stockton, for nearly five years, and the causes, taken from the official records of the late Resident Physician. As relating to the alleged effect of malaria upon the health of the inmates, it is worthy of special consideration that not a single death has occurred from any disease peculiar to miasmatic influences; not one from intermittent, remittent, congestive, or bilious fever; only one a year from dysentery, or diarrhoea, and only one in four years from disease of liver. Furthermore, there never was a death in the Asylum from any of the above named fevers; for the correctness of which statement see the annual reports of all the Superintendents, published in the appendices to journals of the Senate and Assembly. In no Asylum do we find the causes of death more exclusively confined to those diseases to which the insane are peculiarly liable, and which usually in the most healthful climates terminate their lives.

Cause of death.	No.
Consumption.....	84
Acute mania.....	22
Ulceration of the bowels.....	5
Epilepsy .....	13
Paralysis.....	12
Inflammation of the brain.....	14
Marasmus .....	25
Effusion on the brain.....	1
Apoplexy .....	8
Induration of the liver .....	1
Convulsions.....	2
Dropsy .....	4
Softening of the brain.....	50
General paralysis.....	10
General debility.....	4
Dysentery .....	5
Diarrhoea .....	4
Bronchitis.....	1
Mortification .....	3
Secondary syphilis.....	2
Enlargement of the heart.....	1

Cause of death.	No.
Congestion of the brain*.....	2
Pneumonia.....	1
Tumor in the brain.....	1
Phlebitis.....	1
Exhaustion from acute mania.....	11
Erysipelas.....	3
Hypertrophy of the heart.....	2
Typhoid fever.....	2
Tabes mesenterica.....	1
Inflammation of the stomach and bowels†.....	1
Psoas abscess.....	1
Chronic diarrhoea.....	1
Inanition.....	1
Serofula.....	1
Typhoid pneumonia.....	1
Inflammation of the bowels.....	1
Suicide.....	1
Congestion of the bowels.....	1
Wound in the larynx.....	1
Scirrhus of the stomach.....	1
Chronic disease of the brain.....	1
Puerperal fever.....	1
Whole number.....	308

\*One of these is said to have committed suicide by strangling himself; the other to have died while being bathed.

†Said to have taken phosphorus.

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REPORT  
OF  
SPECIAL JOINT COMMITTEE  
ON AFFAIRS PERTAINING TO  
*The State Controller's Office.*

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## REPORT.

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**MR. SPEAKER:**—The Joint Special Committee appointed by concurrent resolution at the request of the Controller of State, and upon the recommendation of the Governor, to investigate certain published charges of fraud against the Controller and the revenue officers of Trinity County in connection with the sale of foreign miners' licenses and the collection of the foreign miners' license tax, submit the following report, together with the voluminous testimony taken by the committee.

Your committee have carefully examined and inquired into the matters confided to them, and have taken the testimony of all accessible witnesses supposed to possess any knowledge of those matters, including that of Charles E. Williams, who made the original charges as published in the *San Francisco Daily Examiner*, the Controller himself, and all the Clerks and others connected with his office. After carefully considering all the testimony, your committee have come to the following conclusions:

The evidence does not show that there is ground for believing that any frauds have been committed, known, or consented to by the Controller or any of his Clerks; nor is there positive proof of any fraud having been perpetrated by any of the revenue officers of Trinity County or any other county. The testimony of Cornelius Brown, a colored Porter, employed during the entire term of Controller Warren in his office, and for a few months in the office of Controller Oulton, together with a letter written by Brown to the Tax Collector of Shasta County, and some other testimony bearing upon the same point, would seem to raise a suspicion at least that Brown had been engaged in some fraudulent transaction by the sale of foreign miners' licenses, either surreptitiously manufactured or stolen from the Controller's office.

The fact of Brown having absconded immediately after his examination by the committee, would seem to strengthen this suspicion; but on the other hand, the committee have not been able to learn that any fraudulent licenses, or any licenses other than those which appeared to have been issued regularly from the Controller's office, and duly signed and numbered, have been sold to foreign miners, and consequently such fraudulent transactions, if carried on at all, must have been very limited in extent. Your committee thoroughly investigated the manner in which the business of the Controller's office has been and is now carried on in connec-

tion with the issuing of these licenses, and are convinced that, although under preceding administrations, things were very much "at loose ends" in that office, yet the License Department is now, and has been at least since the accession of the present Controller, so conducted in regard to the keeping, signing, numbering, and filling in of the licences, that it would have been difficult for any one to abstract a considerable number of them without detection. In preparing the licenses for issuing, the blanks are first signed with the Controller's name by Mr. Perley, the Deputy Controller; next they are numbered consecutively by a Clerk especially assigned to that duty, the numbers running through the entire license year, and lastly, when an order is received from a County Treasurer, the name of the county is filled in by another Clerk, upon the number of receipts ordered, and licenses are then sent by express to the County Treasurer, whose receipt therefor is returned to the Controller's office. If any licenses were abstracted after being numbered, the fact must inevitably become known to the Clerks.

Your committee found that the revenue law was defective in regard to the issuance of the licenses, in not requiring the Controller, or Deputy Controller, to place his own proper signature to the licenses, and also as a further safeguard, requiring them to be countersigned by the County Auditor and County Treasurer before they are delivered to the Tax Collector. To remedy these defects, a bill amendatory of and supplemental to the revenue Act—Senate Bill Number Three Hundred and Seventy-Two—was introduced at the instance of the committee, passed both branches of the Legislature, and has been approved by the Governor. The committee are of opinion that this Act will prevent to a great extent the commission of frauds in connection with the issuing of foreign miners' licenses.

From the testimony before the committee, although not of a direct and positive character on that point, we are of the opinion that frauds of the most serious nature and extent have been perpetrated by the Collectors of the foreign miners' license tax in many of the counties of this State. According to the best information obtainable by the committee, the number of Chinamen at work in the mines of the State of California is not less than forty thousand, and if the revenue laws were faithfully executed the tax upon them would produce one million nine hundred and twenty thousand dollars per annum, one half of which, less the cost of collecting, would go into the Treasury of the State. The Controller's report shows that in eighteen hundred and sixty-five the amount paid into the State Treasury from that source was one hundred and twenty-three thousand and sixty-seven dollars and seventy-five cents. As the Tax Collector is allowed twenty per cent of the gross amount collected, and the balance is equally divided between the State and county, this will show that the aggregate collections of foreign miners' license tax is three hundred and seven thousand six hundred and sixty-nine dollars and thirty-seven cents.

Extensive frauds are alleged to have been committed by Tax Collectors, which are rendered probable by facts and information that have come to the knowledge of your committee, but we have no direct and positive evidence to implicate any one of those officers in particular. It is said, and is possible, that the practice has existed of collusion between the Collectors and Chinamen in allowing them to go untaxed for perhaps three months, then selling them licenses for one month and receiving pay for two months, whereby the Tax Collector dishonestly pockets the tax for one month, the Chinamen save the tax for one

month, and the revenue is defrauded of the tax for two months; also, by selling the "head men" of Chinese companies a less number of licenses than there are men in such companies, the Collector sharing with the Chinamen the amount out of which the revenue is thereby defrauded; also by taking up the back licenses, which, as shown by the testimony, has been the practice of many Collectors, and afterwards, instead of destroying, (as is alleged to be done,) re-selling them to other Chinamen.

Your committee have provided by Senate Bill Number Three Hundred and Seventy-Two, heretofore referred to, for the prevention of these frauds, so far as they can be reached by legislation. As the checks and the penalties of the statute are now all sufficient, the further remedy must be found in a more vigilant and faithful administration of the laws by the prosecuting officers, magistrates, and Courts of the several counties; and above all in the selection by the people of honest and capable men to serve as Tax Collectors.

The principal witness before the committee was Charles E. Williams, the man who first published the charge upon which this investigation was based. While we do not find that the facts and evidence sustain the charges he has made, yet in justice to Mr. Williams we feel called upon to say that he seems to have acted in the matter throughout with honest intentions. Your committee therefore entirely acquit the present Controller of all blame in connection with the subject of the investigation; and so far as we are informed we believe that the affairs of his office are ably and honestly conducted.

Your committee recommend that the testimony submitted be printed in the Appendix to the Journal.

HAWES,  
SMITH,

Of the Senate;

HOLDEN,  
DWYER,  
HANSBROW,

Of the Assembly.



MINUTES OF PROCEEDINGS  
OF THE  
JOINT SPECIAL COMMITTEE  
APPOINTED TO INVESTIGATE CERTAIN CHARGES AGAINST  
THE CONTROLLER OF STATE  
AND THE  
REVENUE OFFICERS OF TRINITY COUNTY.

## MINUTES.

SACRAMENTO,  
Wednesday, January 3d, 1866. }

The Committee met in the Controller's office, at the Capitol.

Present—Messrs. Hawes and Smith of the Senate, and Holden and Dwyer of the Assembly.

Ordered—That summons be sent for Charles E. Williams, of Weaver-ville, Trinity County, to appear and testify on the fifteenth instant, at two o'clock P. M.

Ordered—That Cornelius Brown (colored man) be summoned to appear forthwith before the committee.

Cornelius Brown appeared before the committee in obedience to sum-mons, was duly sworn and examined.

The committee adjourned.

SACRAMENTO,  
Thursday, February 1st, 1866. }

The committee met in the Assembly Chamber, at five o'clock and thirty minutes P. M.

Present—Messrs. Hawes of the Senate, and Holden, Tilden, and Dwyer, of the Assembly.

After some consultation the committee adjourned to meet at the Ver-non House, at nine o'clock A. M., to-morrow.

SACRAMENTO,  
Friday, February 2d, 1866. }

The committee met at the Vernon House, pursuant to adjournment.

Present—Messrs. Hawes of the Senate, and Holden and Dwyer of the Assembly.

I. G. Mesick was present as a witness, was sworn in by the Chairman (Mr. Hawes) and examined.

On motion of Mr. Hawes it was

*Resolved*, That Andrew J. Marsh be and is hereby appointed Clerk and Shorthand Reporter of the committee, and for all services as such Clerk and Reporter, including writing out the testimony and proceedings in a fair hand at length, his compensation is fixed at forty cents per folio, as limited by the joint resolution on the subject.

Andrew J. Marsh, being present, was sworn by the Chairman to the faithful performance of his duties as Clerk and Shorthand Reporter.

On motion of Mr. Hawes it was

*Resolved*, That all proceedings and investigations of the committee be conducted with closed doors, and the injunction of secrecy is imposed with respect thereto (except such proceedings as from their nature require to be disclosed) until otherwise ordered by the committee.

The committee adjourned to meet at the same place at nine o'clock A. M. to-morrow.

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SACRAMENTO,  
Saturday, February 3d, 1866. }

The committee met at the Vernon House pursuant to adjournment.  
Present—Messrs. Hawes of the Senate, and Holden and Dwyer of the Assembly.

The reporter's transcription of the testimony of I. G. Mesick, taken yesterday, was read to him, and he testified in explanation and addition thereto.

Adjourned to meet at the Golden Eagle, at one o'clock and thirty minutes P. M.

1.30 o'clock P. M.

The committee met at the Golden Eagle Hotel, pursuant to adjournment.  
Present—Messrs. Hawes and Smith of the Senate, and Messrs. Holden and Hansbrow of the Assembly, the latter gentleman having been appointed in place of Mr. Tilden, resigned.

Mr. P. Coggins was duly sworn and examined.

Adjourned to meet at the Vernon House, at seven o'clock P. M.

7 o'clock, P. M.

The committee met pursuant to adjournment.  
Present—Messrs. Hawes of the Senate, Holden and Hansbrow of the Assembly.

J. N. Bingay, A. W. Perley, A. M. Hayden, Edwin Clark, (colored,) William McCoy, (colored,) William Harper, (colored,) and Jacob Foster, (colored,) were severally sworn and examined.

Adjourned to meet at the Controller's office on Monday, at nine o'clock A. M.

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SACRAMENTO,  
Monday, February 5th, 1866. }

The committee met in the Controller's office, pursuant to adjournment.

Present—Messrs. Hawes of the Senate, Holden and Hansbrow of the Assembly.

L. H. Fuller, A. W. Perley, (recalled,) W. H. Frink, Edward M. Howison, John E. Dent, George Oulton, and L. D. Wicks, were severally sworn and examined as witnesses.

Adjourned to meet at the Vernon House at nine o'clock to-morrow morning.

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SACRAMENTO,  
Tuesday, February 6th, 1866. }

The committee met pursuant to adjournment and adjourned until afternoon.

3 o'clock P. M.

The committee met at Odd Fellows' building, on Fourth street.  
Present—Messrs. Hawes of the Senate, Dwyer and Hansbrow of the Assembly.

Charles E. Williams was duly sworn as a witness by the Chairman (Mr. Hawes) and examined.

The committee adjourned to meet at the Controller's office at nine o'clock A. M. to-morrow.

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SACRAMENTO,  
Wednesday, February 7th, 1866. }

The committee met pursuant to adjournment.  
Present—Messrs. Hawes of the Senate, Dwyer and Hansbrow of the Assembly.

The witness (Charles E. Williams) was recalled and further examined.  
The committee adjourned to meet at the call of the Chairman.

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SACRAMENTO,  
Tuesday, February 13th, 1866. }

The committee met pursuant to adjournment.  
Present—Messrs. Holden, Dwyer, and Hansbrow, of the Assembly.  
The reporter's transcription of the testimony of Charles E. Williams was read to him, and he testified further in addition thereto.  
The committee adjourned until day after to-morrow.

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SACRAMENTO,  
Thursday, February 15th, 1866. }

The committee met pursuant to adjournment.

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Present—Messrs. Holden, Hansbrow, and Dwyer, of the Assembly.  
 The remainder of the testimony of the witness Williams having been read to him, as transcribed by the reporter, he subscribed and swore to the same.  
 Adjourned.

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SACRAMENTO, }  
 Tuesday, February 20th, 1866. }

The committee met in the Controller's office.  
 Present—Messrs. Smith of the Senate, Holden, Dwyer, and Hansbrow, of the Assembly.  
 Mr. Hawes, the Chairman, being absent, on motion Mr. Smith was chosen Chairman pro tem.  
 A. W. Perley was recalled, and further examined as a witness.  
 Adjourned.

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SACRAMENTO, }  
 Wednesday, February 21st, 1866. }

The committee met in the Controller's office.  
 Present—The same members as yesterday.  
 George Oulton, (recalled,) and O. M. Claves were examined as witnesses.  
 Adjourned.

## TESTIMONY

TAKEN BEFORE THE

## JOINT SPECIAL COMMITTEE

RELATING TO AFFAIRS IN

*The State Controller's Office.*

## TESTIMONY.

### TESTIMONY OF CORNELIUS BROWN.

WEDNESDAY, January 3d, 1866.

Cornelius Brown, being duly sworn, testified as follows :

Q.—How long have you lived in Sacramento? your name, and age?

A.—Lived in Sacramento twelve years; name, Cornelius Brown; age about thirty-six years.

Q.—State what has been your occupation during the time you have lived in Sacramento?

A.—When I first came here, kept boot-black shop; then waiter at the Orleans Hotel. During my stay there I obtained position of porter in the Legislature, at the time Mr. Farley was Speaker. During the succeeding summer, eighteen hundred and fifty-six, obtained, under General Douglass, the appointment of porter in the State Library, and in Secretary of State's office. Got appointment under Mr. Whitesides, Speaker of Assembly, as fireman; think it was in eighteen hundred and fifty-nine. Was appointed by Mr. Whitman as Porter in Controller's office. Staid with Mr. Maloney, State Controller, during his administration, as porter. When S. H. Brooks took the office I occupied same place two months. When G. R. Warren took the office of State Controller, I entered upon the duties of porter for the office and as his private servant, and so continued during his administration. Mr. Warren recommended me to Mr. Oulton, and I remained with Mr. Oulton as porter about five months. Upon my discharge by Mr. Oulton, I engaged as barkeeper at Foster's, in this city, during his absence to Virginia City. Worked for Foster three or four weeks, and since that time until the meeting of the Legislature, this session, have not been doing much.

Q.—Have you got a house here?

A.—Yes, and have family, and live on N street, in this city, number one hundred and twenty-one, I think; am not certain about the number.

Q.—When did you move to the place you now occupy?

A.—I moved there in August last; sometime during the month of August; cannot state the precise time.

Q.—When you lived with Mr. Warren, who had charge of the office during the absence of Mr. Warren and his Clerks?

A.—Not any one that I know of, during the absence of Mr. Warren and his Clerks. When the office was vacant, I attended to my duties as porter, such as sweeping, building fires, and generally putting the office in order ready for business.

Q.—Did you have the key?

A.—Yes, I had a key to the office so as to admit me at any time. The clerks generally had keys to the office.

Q.—Give me the names of the Clerks, employed in the Controller's office during Mr. Warren's administration, one by one.

A.—Mr. Howison, Auditing Clerk, at present employed; Mr. Perley, still retained by Mr. Oulton; Mr. Pixley—Frank Pixley's brother—not in the office at present; and Mr. Covington, and others whose names I cannot now recollect. Was with Mr. Oulton some three months after he entered upon the duties of his office.

Q.—Did you visit the office after business hours?

A.—Yes, for the purpose of cleaning up.

Q.—Did you ever meet anybody in the office but Clerks, after business hours?

A.—No, not to my recollection, except the Clerks or the Controller.

Q.—In the absence of the Controller, Mr. Warren, and the Clerks, did you sometimes find foreign miners' license receipts, with the Controller's name signed to them, in places that were accessible to you?

A.—I never noticed particularly whether they were foreign miners' or any other class of licenses. I would occasionally find them under the desk, with note left on top of the desk with direction for me to burn them. I did as instructed. Sometimes I would burn them alone; at other times I burned them in the presence of the Clerks; sometimes in the presence of Mr. Perley, the Clerk. There accumulated a large quantity of them at one time, and I was requested to destroy them by the Controller. I told the Controller that there was such a large quantity of them, that burning them in front of the State House would be regarded as a nuisance; that I would employ a wagon, and have them hauled over to the slough. The Controller assented that I should do so. I employed an express wagon, loaded it up with the assistance of the driver, carried them about three hundred yards to the rear of the building towards the slough, and destroyed them—that is, burnt them. Was required to be very strict in burning them; not to leave them until all were burned. There was no one with me but the expressman, and he remained with me until they were all burned, or nearly so. The name of the expressman was Henry Bailey; he lives in town still, and is engaged in the same business. The burning of the pile of licenses alluded to took place during my service with Mr. Oulton, and it was by his order that it was done.

Q.—Whose name was signed to the notes you found upon the desk in the Controller's office, directing you to burn the papers you have spoken of?

A.—Mr. Perley, the present Clerk. I refer both to Mr. Warren's and to Mr. Oulton's administration.

Q.—Did that occur frequently?

A.—Yes, it occurred frequently; that is to say, many times Mr. Perley left such note, with such direction.

Q.—The blanks left in that manner, did they have the Controller's name signed to them?

A.—I don't recollect.

Q.—Will you state whether you have seen foreign miners' licenses, or any licenses signed by the Controller, left in open drawers or other places accessible to you in the Controller's office, during the absence of the Controller and the Clerks of the office?

A.—I have occasionally seen them lying on the desk when I was dusting, and I would take them, put them up in shape, and leave them in the same place where I found them.

Q.—Did you see them in large quantities?

A.—Saw them in packages six or eight inches thick, loose. Other packages I have seen put up, with the intention of sending them away, left on the table, tied up, but not sealed up.

Q.—Did this ever occur while you were with Mr. Oulton, the present Controller?

A.—Yes, Sir. It was the common practice, both under Mr. Warren, and under Mr. Oulton.

Q.—Did you ever know that any of these licenses thus signed with the Controller's name, were taken out of the office in the absence of the Controller and Clerks?

A.—I do not.

Q.—Did you ever know of any of these licenses being sold by any person connected with the office, or not connected with the office, at fifty cents a piece, or for any other price, or being given away gratis?

A.—No, Sir. I emphatically say, no.

Q.—Do you know to what offices these foreign miners' licenses are forwarded by the Controller?

A.—I do not.

Q.—Do you know what a foreign miner's license is?

A.—Yes; it is a license—I know it is a foreign miner's license, but don't know for whom intended. I don't know how much is paid for them by those who have to procure them; don't know what business it authorizes the person to do or to carry on; don't know what particular officer in the counties sell the licenses or collect the tax. Have been in Shasta County, but not in Trinity County, and don't know any officer in either county. Know a colored man in Shasta County by name of Adolpos Wells. Was in Shasta County about three years ago, and have not been there since.

Q.—What is your colored friend's name at Weaverville?

A.—His name is James Murphy, and he cooked for a man by the name of Hines, at Weaverville. Hines kept a boarding house; don't know that he held an office of any kind. I knew Hines. Saw him at one time on the corner of K and Third streets, in this city, about two years ago. I think Mr. Oulton was Controller at the time. I saw this colored friend of mine and Mr. Hines standing together, and I approached them; the colored man remarked that this (Mr. Hines) was the man he had been cooking for in Weaverville. I did not have much conversation with Mr. Hines at that time; have not seen him since, and I have had no communication with him.

Q.—Did Mr. Hines, at that time, know you were in the Controller's office?

A.—He did not; and I did not tell him.

Q.—Have you ever had any communication with any of the officers in Shasta County?

A.—I have. I wrote last summer—I forget the precise time—to one Mr. Garden, that I had a claim to collect; don't recollect the month I

wrote; that at any time he should come to Sacramento, I should like to see him concerning the claim I wrote about, on official business. I had previously written to my friend Prindle, and asked him to whom I could intrust my matters—who he could recommend. Prindle gave me the Collector's name, also another name, that I cannot now recollect; I think it was an officer, but don't recollect the character of office. No other person recommended Mr. Garden to me but my friend Prindle. Mr. Hines never suggested Mr. Garden's name to me, and I never met Mr. Hines at Shasta, or in any other place, except on the street in this city, as heretofore stated. I was in Shasta about three years ago.

Q.—What was that claim you wanted Mr. Garden to collect for you?

A.—It was a claim of thirty-five dollars, loaned money; not a note, but money lent in friendship. It was on that business that I asked Garden to call when he came down.

[Brown is shown a letter, and asked if he wrote it; if the signature to it is his signature?]

A.—It is my letter; I wrote it. The signature is my signature; the place on N street, in the letter mentioned, is my place of residence.

Q.—Were you ever requested by Controller Warren, or Controller Oulton, or any other State Controller, or any Clerk in the office, to take any package of foreign miners' or other licenses to any hotel, and deliver them to any person?

A.—No; and I never did take any such package.

Q.—Did you at the time you saw Hines here—or at any other time, here or elsewhere—have any conversation with him about foreign miners' licenses?

A.—I did not.

Q.—Did you have any such conversation with your friend Murphy, or any conversation with anybody, at any time, about getting any such licenses for them, or for anybody else?

A.—No; never did.

Q.—Have you ever been in the Controller's office since you left your position there as porter, previous to to-day?

A.—I have; I was notified during Mr. Oulton's absence to give the key up, and I was in the office for that purpose. It was about a day after I quit; have been in the office once since; never have been in the office when the Clerks were absent.

The following is the letter from C. Brown, to J. W. Garden, referred to in the foregoing testimony of Cornelius Brown:

SACRAMENTO CITY, August 14th, 1865.

J. W. GARDEN, Esq.

DEAR SIR:—You not being acquainted with the writer of this, you may think it somewhat strange in me in inditing this letter to you. My motive for so doing is from a suggestion made to me by David Hines, Esq, a few weeks since when I were in Shasta City; but, owing to other engagements, I was compelled to leave Shasta without seeing you, so I take this method in saying to you that I have some official business with you that would greatly redound to your interest providing the matter alluded to would meet your approval. If you could spare the time to visit Sacramento City, I could better explain than write.

Please answer and say whether you can come or not. Direct to C. Brown, 120 N street.

I would respectfully refer you to Hines as to who I am.

C. B.

# TESTIMONY OF I. G. MESICK.

FRIDAY, February 2d, 1866.

I. G. Mesick, being duly sworn, testified as follows:

Q.—(By Mr. Hawes)—Captain Mesick, will you inform us whether you have been a resident, and held public office—and if so, what office—in Trinity County?

A.—I have been long a resident of the county, and I have been in two offices in the county; that is, one as a deputy, and one by election. My first office was Under-Sheriff, in eighteen hundred and fifty-five, under Edward Niblett. I held that position two years, and was then defeated at the end of that two years for the office itself. In eighteen hundred and fifty-nine, I was elected Sheriff of the county. The duties of that office were as Sheriff and as ex-officio Tax-Collector. That office lasted till the first Monday of October, eighteen hundred and sixty-one, being a term of two years. Since that time I have resided but very little time in the county. I have made several trips back; have had some business there. I used to go up at different seasons of the year. I returned to the county last August; think I left about the twentieth of August. My brother-in-law, who was there attending to my business, was taken very sick; he is in San Francisco now in very bad health; he lived within nine miles of the county seat, on a ranch that we have there. I remained there until, I think, about the twenty-eighth or twenty-ninth of December last—of the present year.

Q.—What year did you name?

A.—That was this present year; I am speaking of my visits to that county since eighteen hundred and sixty-one.

Q.—You were Collector of Foreign Miners' Licenses, with other taxes, in that county?

A.—Yes, sir, both offices; that is, while I was Sheriff; I was familiar with it.

Q.—Captain Mesick, do you know of the use, at any time, in that county of any foreign miners' license receipts, except those that were issued from the Controller's office in the regular manner?

A.—I do not sir; I did not know of anything of the kind. The first that came to my knowledge of any such reports, I believe, was after my last return there. That was, I arrived in the county—I would say on my ranch, or that of my brother-in-law—the first day of September, and I remained with him about six weeks, and was hardly out of the house before the election.

Q.—(By Mr. Dwyer).—In eighteen hundred and sixty-one, do you mean?

A.—No, Sir, the present year, or this last year. I went over to the town after the election. I did not attend a poll during the election, as I took but little interest, my brother-in-law being seriously ill. I found there was a great deal of feeling among them all on this subject; they were generally talking with one another about it. The only or the most correct idea I got was from Judge Williams, and he never told me how he got his information or what it was, although he and I had been very intimate, too, and always particular friends; but he seemed to hold it for himself, or for other parties or purposes. He told me that he had written this article; that he was the author of some article that had appeared; and he also told me that he had written one to the *Union*. I

had some talk with him about it. I remarked to him that the charges were such that I was perfectly satisfied it would bring him before some tribunal. I think at the time of that talk the news had arrived of a committee being appointed. We had a long talk, and I think he became satisfied then that it was going to be investigated, and declined writing any further. I went below, I know, and Washington saw me, and said he was astonished that he had not written. He said he had promised to continue to write, and I gave him my reasons why he had not; that I thought he had not and would not write any more; that if it was brought before a committee, he would wish to place it in a different light than in a newspaper, or before newspapers.

Q.—Who is "Washington," to whom you refer?

A.—The editor of the *Examiner*.

Q.—(By Mr. Hawes.)—Have you any knowledge that at any time, in Trinity County, foreign miners' license tax has been collected from any person or persons without giving them the receipt prescribed by law?

A.—I have not, Sir; none in the world. Up to the time my term expired, I have no idea that any such thing ever existed; since then, but from the report, I have not known anything about it.

Q.—Will you state, as briefly as you can, what was the customary mode of collecting this tax, from Chinamen and others, in that county, so far as you know?

A.—Well, the means we used to do the collecting of that tax was pretty rough sometimes, and had to be. They never had enough property that you could advertise and sell, and—I suppose we were not different from other Collectors in regard to that—we used to have to intimidate them in every way. If we ever found a company of them with a claim that was paying, we had no difficulty in collecting the tax—but with all the others it was difficult. A great portion of them, so far as my knowledge goes, had only a few old shovels and a rocker, with which they travelled about and worked, and unless we used some threats, and sometimes a little more, I might say, we never could get anything at all. No white man ever would buy anything they had, of course, and parties collecting were forced to scare them. I will state this—for there might have been some talk about that—we used to do this—I do not know whether there had been or whether it is now the custom of other Collectors or not, but I have done it and other Collectors have done it. For instance, when you would give Chinamen one license they would run from you just exactly like deer; they would just hear from the Collector all around. They seemed to have the most complete knowledge of when he would start to come around. They always knew you, and that was all they kept track of, and the minute you mounted your mule and started from the first place you went to, they would streak away, and go one in one direction and another in another, to the places where they knew the Chinamen were mining. For that reason we used to try to avoid them, and if we left the old back license with them—it was impossible to tell the names of the Chinamen—if we left the old license with them they would put right off to some one who had escaped paying the license the month before, and they would turn the license of the month previous over to them. And in order to prevent their paying the old licenses over to their friends, we used to destroy them. When we would collect the license tax for this month and give the license to the Chinamen, we would destroy the license which we found in his possession for the last month. That was the mode we adopted there, and I think they do it in all the counties.

Q.—What proportion of Chinamen, so far as you know, in Trinity county, actually paid the license imposed by law—the tax on foreign miners?

A.—Well, Sir, I should think there was one third of the amount during my time that did not pay.

Q.—You have heard that frauds have been committed lately, you say; can you give us the names of any persons that could furnish information, or have any knowledge of these frauds?

A.—Well, the only person, Mr. Hawes, that I could give that seemed to know (and those I heard talking seemed to derive it from him) was Judge Williams. It was spoken of about the time he wrote those articles by a great many people. I have no doubt he spoke to others about it besides me. I am confident that he did, because they were asking me if I had had a talk with him. It was the general talk, I might say for a month, about that time.

Q.—(By Mr. Dwyer.)—Do not you think that during that time the names were mentioned? I should think the names of the parties implicated would be known. They were not likely to be kept secret, were they, in times of political excitement—I mean the parties connected with the alleged frauds?

A.—Oh yes; there was suspicion resting on the Collector.

Q.—Is he still Collector?

A.—His term does not expire till March, I think.

Q.—(By Mr. Hawes.)—Who is the Collector?

A.—Mr. Hines is the present Collector of the county.

Q.—(By Mr. Dwyer.)—Did that seem to be the general opinion?

A.—Well, it was said he was not selling enough licenses.

Q.—Was it not said that he took his old licenses and sold them over again?

A.—Well, that might have been done; the general feeling was, however—there were a good many who did not like him—that he was not returning enough licenses for the number of Chinamen.

Q.—What was the proportion compared with the number you returned during the time you were in the office?

A.—Well, I do not know; I think it was sometimes about two hundred.

Q.—Less than yours?

A.—Well, mine was sometimes six or seven hundred. The population was just like the white population—coming and going. Our county is a very singular county in that respect. In the winter season, when the big storms come on, they strike for the bald hills and Oroville, and they come down in droves. They generally dread the very cold weather.

Q.—What was the average during your term of office?

A.—Well, when I was Sheriff our population was about twenty-four hundred voters; now it is only about eleven hundred. Another thing—during my term of office it was different down the river. I know for a few years there were none below; there were some fifty miles on which you could hardly find a white man, and they remained off nearly two years on account of the Indians. The Indians made raids there, burned large stores, and in fact cleaned the whole river for thirty or forty miles; that is, the New River country and Rattlesnake River, and to the lower part of Trinity River; that part, I say, since my term of office, has been almost entirely depopulated by the Indians; they have been driven out entirely, and I think it is only five or six months ago that anybody could go there.

Q.—Did not the general report point to anybody except Hr. Hines as being connected with these frauds?

A.—Well, it is what Judge Williams told me; it was about all I could find out anything about. There was a man by the name of May that there was some talk about.

Q.—Is he still in the county?

A.—I do not know; I have not seen him but once since I was up there.

Q.—(By Mr. Oulton)—John May?

A.—Yes, Sir.

Q.—(By Mr. Dwyer)—Is he a Deputy Collector.

A.—Not to my knowledge; he is not now, I know. He was Sheriff once; he defeated me in eighteen hundred and fifty-six. He was elected in eighteen hundred and fifty-six; I think in November, eighteen hundred and fifty-six.

Q.—Mr. Hines is Sheriff now, is he?

A.—He is Collector.

Q.—(By Mr. Hawes)—And Sheriff?

A.—No, Sir. The offices have been divided in that county. A man by the name of Clifford is the Sheriff.

Q.—Have you any knowledge or any reason to believe that these old licenses were taken from the Chinamen and resold in any instance?

A.—No, Sir, I have not.

Q.—Do you know Cornelius Brown, who was porter about the Capitol here?

A.—The yellow boy?

Q.—Yes, Sir.

A.—I have seen him for several years, in this place.

Q.—Did you ever see him about Trinity County?

A.—I never did.

Q.—Nor Shasta County?

A.—No, Sir; I never saw him out of this place—Oh! and San Francisco; I have seen him in San Francisco.

Q.—Did you never see nor hear of any licenses being in his possession?

A.—I never did; the first I heard of that was in the *Trinity Journal*; that was after I left this fall; I saw a paper—I think it was an issue of the *Trinity Journal*—that went on to state the mode by which they were procured. I do not recollect what number it was.

Q.—Could you give us any further information than you have already stated in relation to any frauds in the issuance or sale of foreign miners' license receipts in Trinity or any other county?

A.—Well, Sir, I am not able to do it, Mr. Hawes. With the exception of my own term, I have never had anything to do with the offices in the least. I consider my term as perfectly pure. They were generally my strong opponents that defeated me, of course, and I had nothing at all to do with them. In fact I was never about the office at all in that county, only during my own term, and except one other, when I was deputy.

Q.—You have no knowledge of any licenses being obtained from the Controller's office, either with or without the knowledge of the Controller, except in the regular mode prescribed by law, in which accounts have been kept?

A.—I know of none in the world, Sir.

Mr. Oulton—I would like to ask Mr. Mesick if that could have been done, or if there was any probability of its being done, during the time he was Sheriff or Under-Sheriff, without his knowledge?

Mr. Hawes—You may consider that question as having been put by the committee.

A.—Yes, Sir; I will state that it was impossible to have practiced it in that county during my time, and I know of no means by which it could have been done even in an adjoining county.

Q.—(By Mr. Hawes)—You state that the only person by whom you were informed in relation to the facts in the case was Mr. Williams?

A.—That was the only person, as I have stated. I have heard it said that he was in possession of some accurate information.

Q.—(By Mr. Dwyer)—Did you ever hear of this man Brown in connection with the matter?

A.—Never, till I saw it in this morning's paper. I saw in the *Trinity Journal* an account speaking of the manner in which they were procured—the issue of last month; I think that was when it came out.

Q.—(By Mr. Hawes)—You probably noticed a statement in the last report of the grand jury in that county that an investigation into these supposed frauds had been precluded on account of the absence of the principal witness?

A.—Yes, Sir.

Q.—Do you know who that person is that is there alluded to?

A.—I do not, Sir.

Q.—(By Mr. Oulton)—It could not have been Judge Williams?

A.—No, Sir; I asked him, and he told me he was there. I asked him if he was before the grand jury, and he said he was.

Q.—You inquired of him in regard to it?

A.—I asked him if that meant him; I thought it did not, but I thought I would just ask the question, as we were very intimate. He said "no," and said he was before the grand jury—that is I understood him to say so. Yes; he said he was before it once, I think.

FEBRUARY 2d, 1866.

I. G. Mesick, being recalled to explain a portion of his foregoing testimony (at his own request) said:

What I was going to explain was about that witness referred to by the grand jury, but it is not material about that, because Judge Williams will be before you if he lives. I was going to say, in speaking in regard to that: I was asked if I had any idea what witness the grand jury referred to, and if it meant Judge Williams. I remember now, upon thinking about it after I went out yesterday, that when I asked Judge Williams about that he said it must have been May, and that May left, or put out about that time. Again, I said I thought May was not a deputy to my knowledge. I have never seen him in the office, but I always believed he was a deputy under this man, and I believe they had a falling out. I was not in the county during the time he was deputy under this man, but I have all reason to believe he was, and they had a serious falling out.

Q.—(By Mr. Holden)—Deputy under whom?

A.—Under Hines, the present Collector. They had a difficulty, I believe, at Cañon City, and like to have killed one another.

Q.—(By Mr. Dwyer)—What ever became of him?

A.—I do not know; I supposed he was in the county; I had supposed so until after I had seen Mr. Williams.

Q.—Was not Mr. Jones Sheriff?

A.—Yes, Sir; he was Sheriff after my term.

Q.—(*By Mr. Hawes*)—You supposed this man May was the witness referred to in the grand jury report?

A.—I think he was; I believe I stated so. I explained, or wished to, that I remembered asking Judge Williams what witness he referred to—or rather, where May was—after speaking about what witness it was. “Oh,” says he, “he left.”

Q.—Upon full reflection now, you are not able to give us the names of any other witnesses who can furnish material information on the subject before the committee?

A.—Well, Sir, I know of no persons that have ever pretended to have the information except Judge Williams, and I think likely—he intimated several times to me that he had positive information, and every person I heard talking about it seemed to derive it from him—I think he will be able to give more light to the committee.

I. G. MESICK.

Duly taken, subscribed and sworn to before the Joint Committee, dates as within mentioned.

HORACE HAWES, Chairman.

#### TESTIMONY OF PASCHAL COGGINS.

SATURDAY, February 3d, 1866.

Paschal Coggins, being duly sworn, testified as follows:

Q.—(*By Mr. Hawes*)—I have an article here, clipped from the *Sacramento Union* of February second, headed “The foreign miners’ license fraud,” which please examine, and state who is the author, if you know?

A.—I wrote the article.

Q.—Will you be good enough to state to the committee, also, what information you had on the subject treated of in the article, and from what source it was obtained?

A.—On Thursday evening, when I went into the *Union* office, some time after dusk, I was told, in the first place, something of the matter—which is referred to by this article—by Mr. Dinsmore, our book keeper. He asked me, I think, if I had heard the developments in this case. I answered, “Well, not particularly.” He then said that a person had been into the office, who said it had been ascertained that the frauds were perpetrated by Cornelius Brown. The person he mentioned as having called at the office was A. M. Hayden, of Wells, Fargo & Co.’s Express. He gave me some of the particulars, and said Mr. Hayden had had some conversation with Mr. Watson and Mr. Weeks—I think—to whom he referred me. What he told me was in substance the same as contained in this article. On going up stairs the matter was introduced first, I think, by Mr. Weeks, who asked Mr. Watson if he had given me the information concerning the Controller’s office. They then made a statement of the case. They said Mr. Hayden had been in and given

information that developments had been made in regard to Brown, giving in substance the main points of the article as it appears there. We had some consultation and conference about it, and finally decided that it was better to say nothing about it, as the committee had the subject under investigation, until a report was made. I should have said that this occurred on Wednesday, instead of Thursday, evening, as this article was in Friday’s paper. I therefore said nothing about it in the paper of Thursday morning; made no reference to it. When the *Bee* came out on Thursday afternoon it contained a statement—which you have doubtless seen—corresponding in all essential particulars with the information which had been communicated to me. I then concluded, as is usual with our paper, and in accordance with what is considered my duty, when a matter of that kind is before the public, to make some reference to it. It was not advisable, I thought, for the *Union* to be silent when such a matter was a subject of general conversation, and after it had been published already in a city paper. I waited that evening, however, leaving it to be the last item I wrote, presuming that if there were any errors in the article in the *Bee*, Mr. Oulton would be in and have something to say about it, as he had formerly been into the office once or twice in regard to the subject. I think it was nine or ten o’clock when I got through with most of my other matters, and I then sat down and wrote that article. My information was directly from Mr. Weeks and Mr. Watson, and information confirmatory of that which I found in the *Bee*.

Q.—I notice this statement in the article: “These licenses were correctly signed by the Controller, and were blank as to the county officers.” The committee desire to ascertain whether you have any definite information, or can refer to any witness by whom that fact can be made to appear?

A.—Well, the most positive point of information upon which I based that statement was this: The matter had been discussed from time to time, in our office, for some weeks back, and when the conjecture was made, on one or two occasions, that the licenses were perhaps forged, Mr. Weeks, I remembered distinctly, responded, No; that some one or two of them that Mr. Oulton had seen, or had information of in some way, were correctly signed, or were genuine licenses. That statement of Mr. Weeks, which I understood came from Mr. Oulton, together with the statement in the *Bee*, that the licenses taken were those which had been returned by the Sheriffs on their settlements, were the only two sources of information on which I based that statement.

Q.—You have, then, no other knowledge or information whatever that any blanks with the Controller’s name signed to them were allowed to go out of the office, except in the regular course of official business?

A.—No, Sir, I have not.

Q.—Are you in possession of any other information of any impropriety in relation to this subject that you could communicate to the committee; any reliable information relating to any frauds affecting the subject of foreign miners’ licenses, which you could communicate to the committee?

A.—No, Sir; I think I have nothing essential. There are some things which perhaps might have a little bearing, and perhaps are not of consequence. Yesterday, or the day before, I had some talk about Brown, with a policeman, Mr. Chamberlain, in regard to circumstances attending or preceding this affair, which may tend to confirm the idea that he is the guilty party. The officer said that a week or two back, some colored man had asked if he knew Brown, and upon his replying that he did, the

man said he guessed Brown was going East. Chamberlain did not know anything about him at that time, and the circumstance would perhaps merely go to show that there was some suspicion about him among his acquaintances. As to the business of the Controller's office, I know nothing about it.

Q.—(By Mr. Hansbrow)—You think that circumstance might imply guilt?

A.—Only to the extent that it might show that the negroes were suspicious of him, and knew even then that he was going East; and the circumstance that he did go in the next steamer, might tend to fix the responsibility upon him.

Q.—(By Mr. Holden)—How long have you known this man Brown?

A.—By sight, five or six months, I believe.

Q.—Do you know what his habits have been? whether he was generally flush with money, and extravagant in his habits?

A.—I do not know of my own knowledge, except the general report since, as to his wife; the general report has been of his extravagance in his family, having a great deal of jewelry, and so forth, and giving evidence of having an abundance of money. The policeman spoke of that, I believe, and other matters, in general conversation, but I have no positive knowledge on the subject. As I have stated, I should not have noticed this matter at present but for the publication in the *Bee*, and I had kept silence one day. We all supposed that if there was any special inaccuracy in the statement which the *Bee* published at four o'clock, Mr. Oulton would have called in, or sent word before ten in the evening. The fact of his absence led me to suppose that the rumors were in substance correct, and I put the item in, you will observe, in the form of a general report.

P. COGGINS.

Duly taken and subscribed before me, after reading over to the witness the above transcription of his testimony, February fifth, eighteen hundred and sixty-six.

ANDREW J. MARSH,

Clerk and Reporter of Committee.

## TESTIMONY OF J. N. BINGAY.

SATURDAY, February 3d, 1866.

J. N. Bingay, being duly sworn, testified as follows:

Q.—(By Mr. Hawes)—In the *Bee* of the first of February there is an article, which is there before you, entitled "A Dark Affair," state if you know who was the author of it?

A.—I wrote it myself.

Q.—We have supposed from this article that probably you are in possession of some information that may be of importance to the committee in the prosecution of its investigations. Will you be good enough to state what information you are in possession of on the subject treated of in this article, and what are the sources of your information?

A.—I have no more information regarding it than is there stated. As I have the gentleman's permission to give his name I shall do so, but if

he had not, I should not do so. My informant was Mr. Hayden, of the express office—Alexander M. Hayden.

Q.—Did he give you the information as set forth in this article?

A.—He gave me the information as he heard it—not that he knew, but as he heard it in a barber's shop.

Q.—And as here set forth?

A.—As here set forth.

Q.—Who was the person to whom Cornelius Brown had written, offering to furnish blanks?

A.—That is more than I know, and more than Mr. Hayden knows—that is, as he tells me.

Q.—Mr. Hayden informed you, then, that he had written to somebody, offering to furnish these blanks?

A.—He did not say so; he said he heard so from this barber. I think you shave there yourself, Mr. Hawes. I understood that you took his seat in the barber's chair soon after he left it.

Q.—I do not know as to that. He did not tell you the name of the person, then, to whom Brown had written?

A.—No, Sir; he did not know. That is what I have been anxious to ascertain, and I would have published it if I had known it.

Q.—Are you in possession of any more definite information than is here set forth in this article?

A.—Nothing more, Sir.

Q.—You cannot give the names of anybody implicated except Brown?

A.—No, Sir; I do not know that he is implicated. I gave it as a street rumor—the same as nearly all city items are got up—the same as the Gelston affair was given two weeks ago to-day.

Q.—We are not censuring you, Mr. Bingay, in regard to anything you have published; we have merely called upon you for the purpose getting information upon a public matter of importance. I wish you to understand it in that way.

A.—The way this publication happened—on the first of January, I think it was—was simply this: The day on which that article appeared, I called, as is my habit about one o'clock, into Wells, Fargo & Company's express office. Mr. Hayden called to me, and said he had given Mr. Watson of the *Union* material for an item, which the *Union* had failed to make use of. I asked what it was, and he spoke of this matter. I said I should use it, and I did so, as in the article here shown me; and the following morning the *Union* made an item, which is to all intents and purposes the same thing. He said he thought it was strange that the *Union* had not made use of it. He said he had told Mr. Watson about it. I understand, to-day, that Mr. Coggins says he got his information from Mr. Hayden; but Mr. Hayden says he had not spoken to Mr. Coggins at all. I have seen Mr. Hayden since—this evening. He told me to make a clean breast of the whole thing, and I have done so. He says he is perfectly willing; otherwise, but for that, I should not have done so, because I should consider it a breach of confidence.

Q.—How long have you known Brown?

A.—I have known him several years. He was stoker, I think, in the Assembly, when you were there, Mr. Hawes, and I was reporter; I think in eighteen hundred and fifty-six or eighteen hundred and fifty-seven. I think he was stoker at that time.

Q.—You have no knowledge, then, on the subject, further than you have stated?

A.—All my knowledge is there stated.



Q.—There is a good deal expressed here, I see?

A.—It came from Mr. Hayden; all that is there expressed came from him.

Q.—I see it is stated here that “a Sheriff would come in the Controller’s office and settle by showing the Treasurer’s receipt for so much money, and blank licenses sufficient to effect a balance. These blanks would be tied in a package and laid aside—for, it turned out, Brown—” of course you mean that Mr. Hayden stated all that to you, as to the mode in which these papers were obtained. A great deal is stated there. Will you be good enough to look at it again. The impression of the committee is that possibly you may have been in possession of some information in a matter of public interest, which it is desirable that the committee should obtain?

A.—As far as I know I can tell you in a moment. I got the information from Mr. Hayden, and he tells me he got it from this man Clark, who wishes to fill the position that Brown occupied.

Q.—You got it as fully as is there set forth?

A.—It is substantially the same thing, as Mr. Hayden will himself tell you. I met him at the door just as I came in; he told me what I have stated.

Q.—(By Mr. Holden)—Are you acquainted with Brown’s pecuniary circumstances during the last two or three years?

A.—I never exchanged a word with him in my life, except to tell him to stir up the fire, or something of that kind. As to this article, there may be a little romancing there; but, as far as the facts are concerned, it is all derived from what Mr. Hayden told me.

Q.—(By Mr. Hawes)—And you have no other information except that which is here given?

A.—No, Sir; none whatever.

Q.—Has your attention been attracted to this subject until quite recently?

A.—Never, until about two o’clock on the first of this month, when I happened to go to the express office, and Mr. Hayden spoke of it.

Q.—You were not aware of any fraud having been alleged?

A.—Oh yes, Sir; from that correspondence in the *Examiner*.

Q.—No—in connection with this man Brown—I am speaking of that.

A.—No, Sir; I thought a great deal of him; he used to come into the office, and conduct himself properly. I was surprised when I heard of it, and so was Colonel Phelan, Under-Sheriff under Mr. McClatchy, who said he was astonished to hear it. Mr. Hayden got it from Clark, and Clark and Brown, it seems, were intimate friends. The only trouble was that one’s wife could sport more diamonds than the other, and, perhaps, it was all through envy. Clark told Hayden, and Hayden, in the first place, told Mr. Watson on the night of the thirty-first of January; but the *Union* having made no notice of it, the next day at two o’clock in the afternoon, after the steamer had sailed, I remember he spoke to me of it; and, coming from Clark, who was a particular friend of Brown, of course I made an item of it; and the next day the *Union* duplicates what I had done the day before; that is all I know about it.

Q.—(By Mr. Hunsbrow)—You have been acquainted with Brown for a number of years, I understand?

A.—I simply knew him by sight; he was porter in the Legislature.

Q.—You were not sufficiently well acquainted with him to know about his circumstances?

A.—No; I knew nothing about his circumstances.

J. R. BINGAY.

Read over, and signed in my presence, February twelfth, eighteen hundred and sixty-six.

ANDREW J. MARSH,  
Clerk of Committee.

# TESTIMONY OF A. M. HAYDEN.

SATURDAY, February 8d, 1866.

Alexander M. Hayden, being duly sworn, testified as follows:

Q.—(By Mr. Hawes)—It is stated by Mr. Bingay, the author of a certain article published in the *Bee* on the first of February, that he obtained all the information upon which that article is founded from you. Will you be good enough to state what is the source of your information?

A.—While I was being shaved in the barber shop of the Orleans Hotel, by a barber named Clark, he inquired of me if I had heard of the scrape that “Dit,” or “Teet” had got into. I told him I had not. He then went on to state to me that he was the party who had been in the habit of furnishing the Sheriffs in the interior with the blanks for foreign miners’ taxes, and that recently he had left the city; that the supposition was among a great many that he had gone to San Francisco for the purpose of visiting a sick child; but that he had really left on the last steamer for Panama. He then stated to me that Cornelius, having been a porter in the Controller of State’s office, had had access to these blanks; that while there he would get a bundle of them, and go into the interior; that he always came back flush with money, and would report to his friends that he had been on a little gambling tour, and had made money that way; that he had lived fast, and had lived well; had spent a great deal of money, and that some time ago he was discharged from the Controller’s office for some reason, he did not know what; but that since his discharge he had had access to the room; that he would go in the morning, and while conversing with McCoy, the porter, he would get a chance to get at the blanks again. He said he had managed it very smartly and smoothly, always going in person to attend to these matters, but that at some time he had written to some person in the interior, and signed his name to the communication, and that since this investigation that letter had been produced. That is about all he told me, I believe. I do not know as it is pertinent to say that there is no one I esteem more highly than I do Mr. Oulton, and no one in whom I have more confidence. It was a mere casual matter, my mentioning it. Mr. Bingay happens in every day, going around to the public offices asking for items. I asked him if he had heard of it, and he told me he had not.

Mr. J. N. Bingay—There is one thing Mr. Hayden has forgotten to mention, to which I should like to call his attention. You told me of having spoken to Mr. Watson of it the night before.

The Witness.—Yes, Sir; I happened into the *Union* office the night before, and I asked them if they had heard of it. They said they had not.

Q.—(By Mr. Hawes)—Did you make any communication in relation to the use of returned foreign miners’ license receipts, which the Treasurers return on making their settlements? Or did you have any information in relation to the using a second time of those receipts—of their going

out again, or being allowed to be taken out and sold in an irregular mode?

A.—No, Sir; that was mere supposition of the manner in which Brown had got into possession of the receipts.

Q.—You had no other information?

A.—Only what I got from Clark. Clark said he must have got the blanks in that way.

Q.—No, no; you do not understand me. The Controller sends a certain number of receipts, and when the Treasurers come to make their settlements, some of these receipts are returned, of course with the Controller's signature, and the numbers upon them. Now, do you say you had no information about those receipts having been thus returned being obtained, surreptitiously or otherwise, by Brown or anybody else?

A.—No, Sir.

A. M. HAYDEN.

Read over and signed in my presence, February fifteenth, eighteen hundred and sixty-six.

ANDREW J. MARSH,  
Clerk and Reporter of Committee.

### TESTIMONY OF EDWIN CLARK.

SATURDAY, February 3d, 1866.

Edwin Clark, (colored,) being duly sworn, testified as follows:

Q.—(*By Mr. Hawes*)—Do you know Cornelius Brown?

A.—Yes, Sir.

Q.—Just tell the committee, if you please, what you know of him, how long you have known him, and what you know of him in connection with this subject of foreign miners' licenses.

A.—I have known Brown, Sir, for about ten years. He has been on several occasions employed as porter in the Controller's office by various Controllers—by Mr. Mahoney, I think, once, and by Mr. Whitney and Mr. Warren. While he was in Mr. Oulton's office I was absent from the city, and only learned that he was in his office; but while he was in the office of the others I was here at the time, and knew he was there employed. About a week, or five or six days ago, William Harper remarked to me that Brown had got into a very bad scrape. I asked him how? and he said: "It appears that he is connected with this scrape of selling foreign miners' licenses that the committee is appointed to investigate." He said Mr. Brown was before the committee, and they told him they wanted him again; but he went to the Bay to see his family, and took the Panama steamer and left without taking his family with him. I was somewhat surprised at it. I think Mr. McCoy also told me the same thing the next day. The next afternoon I was shaving Mr. Hayden, and knowing that he always thought well of Mr. Brown—he had on one or two occasions told me he thought he was a nice boy, and he did not know of any colored man in Sacramento that he thought more of than he did of Cornelius Brown—whilst I was shaving him I remarked that I thought Mr. Brown had got into a very serious scrape,

and I went on to relate what I had heard of this transaction; but I think, if my memory serves me right, that I did not say that he had taken these blanks while he was under Mr. Oulton, but that such had been the supposition, that he got the blanks from the office—not the returned blanks; my impression was that it was the blanks that were to be issued, not those that had been issued and returned. I knew that on several occasions he would go off on trips to the north, which were supposed to be gambling tours, and would come back with plenty of money. I did not see it myself, but I heard his intimate friends say that Brown had been very lucky, and had brought back several hundred dollars. My impression was that he got the blanks in consequence of being porter in the Controller's office; supposed they were kept on a table, or something of that kind, but I never was in the office. That was the way I received my information. That he really had these blanks, I cannot say, for I know not. I remarked to Mr. Hayden that Mr. Brown never done anything but gamble, and certainly did not win money enough to support his family in the style he did from what he won at gambling, even if he was successful.

Q.—(*By Mr. Holden*)—Did you know that Brown had written a letter?

A.—No. I did not state that; that was told to me by Mr. Harper. He said it was understood that Mr. Brown had written a letter to somebody up country, who was understood to be a Collector of Foreign Miners' Licenses, and stated to him that if he would let him in in some way—he did not say how—they would make some money by it.

Q.—Who was it told you that?

A.—That was Mr. William Harper, Sir; he lives in this town.

Q.—Did you understand to whom that letter was written?

A.—No, Sir. He said it was to some Foreign Miners' License Collector or other, in some part of the State; I do not know where. I was remarking that I thought it was very imprudent of him in a transaction of that kind, to write a letter and sign his name; that it would be much better to communicate verbally.

Q.—Were you ever intimate with Brown?

A.—No, Sir, nothing more than to say, "How do you do, Brown."

Q.—(*By Mr. Hansbrow*)—What was his occupation most of the time while he was in the city?

A.—He gambled.

Q.—A professional gambler?

A.—That was about the only thing I ever knew him to do.

Q.—How much of a family had he?

A.—He had his wife and one child; he had had two children, but one died.

Q.—You have no knowledge of his income, then?

A.—No, Sir, I have not.

Q.—Have you any idea of the amount of money he spent?

A.—No, Sir.

Q.—You were not sufficiently acquainted with him to have an idea of his business connections?

A.—No, Sir. In fact, a public saloon is a place that I seldom frequent, and Mr. Brown did, and we were not likely to come much in contact.

Q.—Were you knowing to the fact that he was lavish with his family, making presents, and so forth?

A.—Yes, Sir. I always understood that they lived very well.

Q.—More so than you could afford?

A.—More than I could, and earn an honest living. Yes, Sir.

Q.—Did you know the names of any of these License Collectors in the interior with whom Brown was acquainted?

A.—No, Sir.

Q.—At what time was he accustomed to make these trips up country?

A.—That I cannot say.

Q.—About how long would he be gone?

A.—That I cannot state—not under oath. I think the last time Mr. Brown went up to Shasta, or off that way somewhere, sometime last spring; he went off somewhere I know, and it was said that Mr. Brown had gone to Shasta, or Red Bluff, or somewhere; I think it was some time last spring.

Q.—Did you know the names of any of his colored friends there?

A.—No, Sir; I do not believe that I know more than one or two colored persons in that section, and I do not know any friends of his.

Q.—Did you ever see any blank licenses which had been obtained from the Controllers' office?

A.—I never saw one at all.

Q.—Did you ever know him to obtain any?

A.—No, Sir.

Q.—Did ever any one tell you that he did?

A.—No, Sir; only Mr. Harper told me that was the trouble—that he had been doing this while he was in the Controller's office—getting these licenses, and furnishing them to parties up the country.

Q.—You did not ask him and do not know of whom he obtained that information?

A.—No, Sir.

Q.—What is William Harper's business?

A.—He cleans rooms; the Attorney-General's office, for one.

Q.—Do you know where he lives?

A.—Yes, Sir; at Mrs. Allen's, the first brick house in the alley across Second street.

Q.—Do you know whether these trips which Brown made up the country were after he left the Controller's office, or before.

A.—That I cannot say, for I really do not know when he did leave.

Q.—You say that last spring he went away somewhere?

A.—Yes, Sir; I do not know whether he was in the Controller's office then or not; I know he has been discharged, and Mr. McCoy appointed in his place.

Q.—Did he go away previous to the time he was discharged?

A.—Oh, he made several trips.

Q.—Before he was discharged?

A.—Yes, Sir; last year he made one or two trips.

Q.—At the time Mr. Warren was Controller, was he accustomed to make these trips?

A.—That I cannot say.

Q.—Do you know who was the Controller at the time he made these trips?

A.—No, Sir.

Q.—At the time Brown was porter for the Controller were you here?

A.—No, Sir; I was absent.

Q.—Of course, then, while he was porter, he could not have made the trips you speak of, because you were not here?

A.—I only heard that Mr. Brown went up to Shasta. I was not here myself.

Q.—You could not say precisely the time that he went?

A.—Only that he made some trips last spring; yes, Sir. I think last spring I was cognizant of his making the trip. As to the remark of Mr. Hayden's, that he would go to the Controller's office in the morning, that was only a supposition of mine; that if the licenses were kept on a table, or something like that, he might get access by going in and watching his chances, the other porter not knowing his object, and it would be an easy matter to take off a handful at a time. That was my supposition. I make that statement in justice to the man who is porter.

Q.—You have told now all you know about it?

A.—Every word.

Q.—(By Mr. Hawes)—You do not know of anybody who has been guilty of stealing licenses, or of fraud in connection with them?

A.—No, Sir.

Q.—Do you know where Brown is?

A.—Only I heard that he left on the steamer.

Q.—Is it your belief that he has gone out of the State?

A.—Yes, Sir.

Q.—You have not the least idea that he is anywhere in the State?

A.—No, Sir.

Q.—Do you know of anybody who has furnished him money or helped to get him away?

A.—I do not.

Q.—Do you know where his family is?

A.—I understand they are in San Francisco.

Q.—Did you learn that from your men?

A.—No, Sir; from Mr. Yates, the steward of the "Chrysopolis." Speaking about it with him to-day, he said they were down there, and he was told they were intending to come up here; and I told him I thought it was very foolish, because if the rabble once learned it was Mr. Brown's wife, she could never go into the street without hearing flings made at her that would be unpleasant. He said he thought so, too.

Q.—You do not know of anybody connected with Brown in this affair, one way or another?

A.—Not at all. My impression is that it is doubtful if there was any man of color connected with him, or knowing anything about it, because he was a man of that character that he was very reticent, and not likely to talk about his business.

Q.—Do you know whether any white man was connected with him?

A.—No, Sir; I do not know.

Q.—You do not know how any licenses, if they went out of the Controller's office fraudulently, were obtained?

A.—No, Sir.

Q.—You cannot give us any further information on the subject?

A.—No, Sir.

# TESTIMONY OF WILLIAM McCOY.

SATURDAY, February 3d, 1866.

William McCoy, being duly sworn, testified as follows:

Q.—(*By Mr. Hawes*)—Do you know Cornelius Brown?

A.—Yes, sir.

Q.—What has become of him?

A.—That I do not know.

Q.—You do not know where he now is?

A.—No, Sir; I do not.

Q.—Have you no information?

A.—Well, I heard it rumored around; some says he has gone to the States, and some says he has gone to Mexico.

Q.—Where have you been employed for the last two or three years?

A.—I have been employed since a month after the last Legislature in Mr. Oulton's office, and the Adjutant-General's office.

Q.—State when you went into the Controller's office?

A.—Well, after the first month; I think it was about June when I took charge.

Q.—A year ago last June?

A.—Yes, Sir.

Q.—Did you go in when Brown left?

A.—Yes, Sir, at that time; I was to take it the first of June, I think.

Q.—You were porter there, were you not?

A.—Yes, Sir.

Q.—Do you know what a foreign miners' license receipt is?

A.—No, sir; I do not.

Q.—Can you read and write?

A.—No, Sir, neither; I can make names out with great difficulty.

Q.—Did you ever know of any foreign miners' license receipts being taken out of the office in the absence of the Controller or his Clerks?

A.—No, Sir; not to my knowledge.

Q.—You have no remembrance of taking any out, or selling any, to anybody?

A.—No, Sir.

Q.—Were there any lying about loose, that could be got at by anybody?

A.—Well, by jing! I don't know, Sir. Papers was lying around—waste papers; I could not say positively what they was; I am not so far advanced in that respect, unfortunately.

Q.—(*By Mr. Holden*)—After you came into the office, was Brown in the habit of coming there often?

A.—He was at variance with me. He never came there to the office until one morning some time ago, when I had the door opened, he came there and said: "Me and you have been at variance for some time," said he, "I have come here to ask whether there has been a letter come here for me." I told him, said I, "I don't know; you had better see some of the Clerks in the office, or Mr. Oulton." He remarked when he went out that I had kept the office very nicely. I don't know what time of the year that was. I went to Mr. Oulton the next morning after I heard about it, and told him about Brown's coming there. He wanted to make up the difficulty. He had some hard feelings on account of my taking the office, and me and him always had been at variance until recently, when he came to me during the summer; he asked me about it every opportunity that he met me. He said I seemed to be a favorite there; he was trying to get a position, and he needed it very bad, because he had no money. He desired a position, and made himself very friendly to me ever since that time—more than he did before.

Q.—Did he ever come into the office in the morning, after he was turned out of the place as porter?

A.—No, Sir, not to my knowledge; if he had I should have had a recollection of it, and I think I would have seen him.

Q.—Do you know of anybody coming into the office in the morning or in the evening, when you were cleaning up, besides the Controller and his Clerks?

A.—No, Sir, unless it was some one that came there when I was late, and it was near the time for the Clerks, to make inquiries. Sometimes persons from the country would come in early; I believe they did on one or two occasions; and on one occasion Mr. Livingston, of San Francisco, and Mr. Hall McAllister came there, and I believe in a few minutes Mr. Fuller came, and I came down then to find Mr. Oulton; they wanted to see him.

Q.—(*By Mr. Hawes*)—These conversations which you spoke of with Mr. Brown, did they take place at the Controller's office or elsewhere?

A.—No, Sir. He has often talked with me in the street. I know when I was tending the club room, also, he used to come in frequently; and sometimes when I would go along to the barber shop. He seemed to make himself more familiar than common. In regard to speaking to him, I only spoke to the man. I never visited him at his house. I always looked upon it that he always felt himself above me, and I did not wish to intrude myself at least.

Q.—Did Mr. Brown ever come to the office at any time after he left except at the time you mentioned—the time he went there after a letter?

A.—No, Sir. I think once I heard him talking with a man in the hall; it strikes me he was.

Q.—You saw him at another time talking with a man in the hall?

A.—Yes, Sir; the porter, so far as I recollect.

Q.—But not in the Controller's office?

A.—No, Sir.

Q.—And you never saw him there except that one time?

A.—One time, yes, Sir.

Q.—You do not know of his having been there at any other time?

A.—I do not.

Q.—Have you any knowledge or belief that he ever got any papers out of the office at any time after that?

A.—After he left? No, Sir, I have not the slightest; I could not say positively myself.

Q.—Have you heard that he did?

A.—Well, I have heard several rumors, but I never pay much attention to rumors unless I know the facts.

Q.—From whom did you hear any rumors about his getting receipts from the office?

A.—Well, I heard long ago that there was something wrong, but what it was I could not say. I never heard any one say what he got from the office; but I have heard it spoken of generally that there was something wrong. What it was I am unable to say.

Q.—(*By Mr. Hansbrow*)—Have you any knowledge concerning Brown's expenditures upon his family, or his own expenditures?

A.—No, Sir; I never visited his family in my life.

Q.—You know nothing about that whatever?

A.—No, Sir, only from rumor.

## TESTIMONY OF WILLIAM HARPER.

SATURDAY, February 3d, 1866.

William Harper, (colored,) being duly sworn, testified as follows :

Q.—(*By Mr. Hawes*)—Mr. Clark says that you gave him some information about the trips that Cornelius Brown used to make up the country some time ago; will you tell the committee what you know about Cornelius Brown, his trips up the country, and his connection with foreign miners' license receipts, if you know anything on that subject?

A.—Yes, Sir; I have frequently heard of his making trips up toward Colusa, but I never had any run of but one of his trips, and that was last fall. I do not suppose I should have noticed that but for one of the boys running on the boat, who met me in the morning, and said he, "Harper, I met Mr. Brown yesterday." "Indeed," says I, "where did you see him?" I think he said he saw him at Colusa. Said I, "Whereabouts is that?" He said it was up the country. I knew that I had met Brown only a day or two previous to that, as he was passing along, and asked where he was going; he said he was travelling, and was just going to take the stage—or had just come in by the stage, I don't remember which—and I thought no more about it at this time. Yes, I did, too; I think I asked the boy how far that was, when he said he seen him in Colusa, and he said it was one hundred and sixty miles, or thereabouts. Well, thinks I, that is a pretty good distance—I wonder what Brown is doing up there. As he was in the habit of flying off every once in a while, as I supposed on a little gambling tour, I thought no more about it. Well, it passed along till I think the second day after that, when I saw Brown walking in the street; I did not say anything, but I thought that was a very short visit; it simply glanced through my mind. That is all I know about his visits into the interior. Since this matter came out, I think I did speak to Mr. Clark about it at some time, and said I guessed that was his errand up there—that it seemed to me that his trip up country must have been on the same business.

Q.—What we want to get at is, if you know or are informed of his having in his possession any foreign miners' licenses for sale?

A.—No, Sir; I never saw him with any; I never saw him with any kind of papers of any consequence as I know of, with the exception of once; I believe that was about the time he left the Controller's office; I saw him with two or three pieces of warrants—Controller's warrants—that is the only papers I ever saw him with.

Q.—Have you any reliable information that you could give us of his having any of these documents for sale, or to be taken up country, or of his having any communication with Tax Collectors up there, or with other officers?

A.—Not at all, Sir; Mr. Brown was a man—well, he didn't confide in anybody much, and particularly in me, because he did not like me very well, and he was a man that did not tell his business to any one. He didn't like me because he thought I interfered with his game a little; I saw him fleecing some young men from the country once, and I exposed his game to them. Of course he was down on me for it, and we were no friends.

Q.—Did he used to gamble a good deal?

A.—Well, it has been nearly two years since I visited any of these

public houses. The principal place he used to go to was Mr. Foster's, and Mr. Foster and me had a little misunderstanding about two years ago, and I have not been in his house since. Whether Brown was flush or not, or whether he lost or won much lately, I do not know, but at the time I used to be about Foster's, and knew his game, I never thought he won much, as I could see. The general impression among the colored people was that Brown had some way of getting money besides gambling, and we have been looking for something of this kind to turn up for some time. I know that several have made the remark to me, and I have said the same to others, that something or other would turn up by and by; although not being intimate with him, of course we could not give any idea to know where to look for it.

Q.—(*By Mr. Holden*)—Do you know whether Brown's wife was extravagant or not; whether she spent a great deal of money—dressed finely?

A.—Well, Sir, as far as she was concerned, I have been in their house perhaps some half a dozen times—not, I don't suppose, that I have been into their house for the last fifteen months, but prior to that; during a stay here of four or five years, I have been in the house a few times. I don't think the young woman is in fact expensive; I don't think she has that turn—although she was well cared for—very well provided for. She dressed very well indeed, and Mr. Brown, he lived well; I don't think there is any man in the city that lived better than Mr. Brown did; I judge that from his marketing. I used to market some myself, and I can pretty near tell whether a man lives well or not if I see him marketing.

Q.—Did you ever have any conversation with Mr. Brown about his business in the Controller's office?

A.—None at all. I do not recollect that I ever exchanged any words with Mr. Brown at the office.

Q.—Did you know of his having written any letter or letters into the interior, to the Tax Collectors; anything of that sort?

A.—No, Sir.

Q.—(*By Mr. Hansbrow*)—Brown was employed by Mr. Foster, was he not, as his bookkeeper, and attended to his business?

A.—Not to my recollection; he might have been barkeeper some time; probably he has been. But that was his place of resort always when he was in the city.

Q.—What was the name of the boy who gave you this information about having seen Brown at Colusa; a colored boy, was he?

A.—No, Sir, he was white. I think he worked in the *Bee* office; you might see him around there pushing a wheelbarrow with forms on it.

Q.—Did you have any difficulty with Foster yourself?

A.—Well, we had a little misunderstanding; perhaps it was not of any great consequence, but the language he used I thought was a little ungentlemanly, and I thought we could get along without each other.

Q.—You are not sure that Brown was not his bookkeeper?

A.—No, Sir.

Q.—Brown was in the habit of spending more money than an honest man could earn, in your opinion, was he not?

A.—Oh, I am satisfied that he spent a great deal more than he earned, because he was a non-producer altogether, Brown was. Brown wouldn't work, not even if you gave him a hundred dollars a month—that was not his forte—he calculated to get along without that.

Q.—(*By Mr. Holden*)—State as near as you can remember, what it was that you stated to Mr. Clark about Mr. Brown.

A.—Well, I pledge you my word that that question is almost impossible for me to answer. Since this matter came out, I don't know but I undertook to state how I had ascertained or learned that Mr. Brown got the papers—how I understood he got the papers, and what kind he got—but I collected that either from the newspapers or from some person that had recently found out.

Q.—Do you not know who you got the information from, or how you got it?

A.—I think I saw it in the papers. Oh, no; I will tell you. I got it from the butcher here at the corner; he told me the other morning.

Q.—How long since?

A.—Day before yesterday, I think.

Q.—What is his name?

A.—His name is—what is his name now?—Burns—Aleck Burns.

Q.—Is he a colored man?

A.—No, Sir; he keeps a little shop at the corner of the alley out here. I think he got it in the paper. I do some little chores around there, and the next morning I was talking to him—the next morning after it appeared in the *Union* or the *Bee*—he was asking me about my friend Mr. Brown. Then I think the proprietor of the What Cheer House came along, and he stated how Mr. Brown had managed it. I think that was what I told Mr. Clark.

Q.—Are you sure it was since it appeared in the *Bee*, or was it since it appeared in the *Examiner* some months ago?

A.—Oh, no, Sir; I think it was in the *Bee*, because it was a very different story; that which appeared in the *Examiner* was very different from this, Sir.

Q.—(*By Mr. Hansbrow*)—When did you say it was that Mr. Burns gave you this information?

A.—I think it was yesterday morning, or day before yesterday morning.

Q.—Mr. Foster is still living on Third street, is he not?

A.—Yes, Sir.

Q.—When you told Clark about this, you referred to the manner and mode in which the blanks were obtained, and Clark called attention to the imprudence of his writing that letter, did he not?

A.—Oh, yes; I recollect that; something like that was said.

Q.—(*By Mr. Holden*)—Who told you about the letter?

A.—Well, I believe that has been so long ago that it has slipped me.

Q.—How long since you heard about it?

A.—It seems to me that it has been about a week.

Q.—Cannot you remember who told you about it?

A.—I can't tell; I don't believe I can recollect who that was. I heard of that about every day, I know, it seems to me for the best part of a week past—different parties speaking about Mr. Brown were saying that, with all his smartness, after all he had played a very bad game in writing a letter to a Sheriff or somebody, as a feeler, and then signing his own name.

Q.—Was that before you saw Mr. Clark?

A.—Yes, Sir; I think it was before Mr. Burns told me; it must have been, if I told it to Mr. Clark.

*Edwin Clark.*—That was my first intimation of the letter, and I was perfectly astounded; it was either Monday or Tuesday that you told me.

*The Witness.*—Oh, yes; I think that was so.

Q.—(*By Mr. Hoblen*)—Then you could not have got it from Mr. Burns, either, from the fact that it had appeared in the *Bee*, when you talked with him, and the information in the *Bee* came from Clark. You must have talked with some one about it before it came out in the *Bee*.

A.—Well, I will tell you; I had heard about this letter before that; it seems to me that it was one of the porters at the Capitol that told me about it; I won't be positive who; but it was William Goff, I think—I will not be positive.

Q.—(*By Mr. Hawes*)—Mr. Harper, have you stated all you know about this matter?

A.—I think so, Sir; it was not anything definite that I did know.

Q.—Did you know of any connection that Brown had, or any correspondence or other transactions in connection with foreign miners' licenses, with any of the Tax Collectors or other officers of any county in this State?

A.—No, Sir; I know—well, I have heard. I said I knew, but that is not so—I have heard, in a day or two, that he had right smart of correspondence from up country; but to know anything about it I do not.

Q.—Have you heard any names mentioned of any officers with whom he corresponded?

A.—Not one; no, Sir.

Q.—Have you heard of his getting any of these documents from the Controller's office with the Controller's name signed to them?

A.—No, Sir; only the other morning the butcher there, Mr. Burns, in speaking about the papers, he said him and me differed in opinion about that. I thought the papers went from the Controller's office to the Sheriff just as they went from the printing office. Mr. Burns says no, that these papers were made out by the Controller, and everything ready, all but signing the man's name that was receiving the license. He then went on to say that Mr. Brown would always wait, and when the Sheriffs returned the packages he would watch his opportunity to get them and send them back to the mountains again.

Q.—He said Brown would get those that were returned here?

A.—Those that were returned; yes, Sir.

Q.—He would watch his opportunity to get them out of the Controller's office?

A.—Yes, Sir; and send them back to the mountains again. That was the way Mr. Burns said Brown had been playing his hand. I told him I was not aware of it. I thought he got them first-handed, and the filling was done by the Sheriff who disposed of them.

Q.—(*By Mr. Holden*)—Was this conversation since or before the publication made in the *Bee*?

A.—It was since—the next morning.

Q.—Are you sure of that?

A.—Oh yes, Sir. We were talking about it, and he was joking about my friend; and then the proprietor of the "What Cheer" came in, and he seemed to be like me; he was not aware that was the kind of papers, and Mr. Burns told him about it.

Q.—(*By Mr. Hansbrow*)—This must have been yesterday morning, was it not?

A.—It was yesterday morning or the day before; it was the next morning after it appeared in the *Bee*, I think.

Q.—(*By Mr. Hawes*)—Did Mr. Burns pretend to have any information himself, or to state merely what he had learned?

A.—I judged it was what he had read. He went on afterwards and spoke about the Tax Collector.

Q.—Do you know anything more about it?

A.—Nothing more, Sir.

Q.—Do you know anything about anybody else being implicated or concerned with Brown, or anybody else, in relation to frauds in connection with foreign miners' licenses?

A.—Oh no, Sir. Mr. Brown, the fact is, is a singular man; he didn't go much on company.

Q.—(*By Mr. Holden*)—Do you recollect who that conversation was with that you first had about the letter?

A.—It strikes me that the porter was the first that told me.

Q.—When was that?

A.—I cannot recollect. It strikes me that it was somewhere along he first of the week.

Q.—Who was the conversation with?

A.—I think it was William Goff.

Q.—He told you that Brown wrote this letter, did he?

A.—Yes, Sir. He was telling me of a letter that had been sent to the Controller, that had been written by Mr. Brown and sent into the interior to a strange man—sent as a feeler, I suppose; but it happened to be sent to the wrong customer, and the letter came back again to the Controller's office; and that was the commencement of the finding out of the matter—the commencement of the trouble.

#### TESTIMONY OF A. W. PERLEY.

SATURDAY, February 3d, 1866.

A. W. Perley, being duly sworn, testified as follows:

Q.—(*By Mr. Hawes*)—You are a Clerk in the Controller's office?

A.—Yes, Sir.

Q.—State in what capacity, and how long you have been employed in that office?

A.—I first went into the office on the twenty-third of May, eighteen hundred and sixty-two. I went in there as License Clerk; that is, my business was to sign and fill out certain blanks. I remained in that capacity until April, eighteen hundred and sixty-three. I was then appointed deputy to sign State and county licenses, and have remained in that position up to the present time.

Q.—Was it your duty, as such deputy, to sign the Controller's name to the foreign miners' license receipts?

A.—Yes, Sir.

Q.—(*By Mr. Holden*)—Is there any more than one to sign the Controller's name—any one besides yourself?

A.—Under Mr. Warren's administration there were several; not under Mr. Oulton's. I believe I have signed all. There might have been some one else for a short time when Mr. Oulton first took the office, but I think not; at least, for the past year and a half, I have signed them all myself.

Q.—(*By Mr. Hawes*)—These receipts are printed blanks, I suppose, and issued all in one form.

A.—Yes, Sir.

Q.—Has the same form always been used since you have been in the office?

A.—Yes, Sir.

Q.—Look at that form [a blank foreign miners' license receipt shown] and see if that is the form of the blanks?

A.—Yes, Sir, with a little alteration. There was at one time the number close to the top, and the dollar mark below; but that was found to be inconvenient for some reason, and the dollar mark was put below. I think it was because the name of the county would be written in a large hand sometimes, and would interfere with the figures, and make them obscure.

Q.—Are these receipts first signed or numbered?

A.—They are almost always signed first; sometimes some are signed ahead that have not been numbered.

Q.—Do you number them yourself?

A.—I did sometimes; but for the past year and a half, and since Mr. Oulton's administration, I have numbered very few.

Q.—Whose duty is it to number them?

A.—Mr. Frink has performed that duty.

Q.—I understand you that you have signed all that have been issued during Mr. Oulton's administration.

A.—I think I have; at least I have for the past year and a half.

Q.—How many would there generally be ahead filled out and signed?

A.—Well, it would vary from five to ten or fifteen thousand in number; sometimes, perhaps, from fifteen to twenty thousand.

Q.—Go on and explain where those receipts were kept, under what care, and how?

A.—They were kept in certain boxes, as I might call them, that we have there, about and underneath the desk—places made for them, where we can get in the whole sheets, laying them away for use, and the county to be filled in as they are ordered by the County Treasurers.

Q.—They are laid away in sheets?

A.—Yes, Sir.

Q.—How many on a sheet?

A.—There were only four at first, but I think under Mr. Oulton's administration the number was changed to five. I think it was the year which commenced in eighteen hundred and sixty-four that the change was made to five; perhaps it was before; I am not certain.

Q.—Were these receipts kept locked up?

A.—They were not at that time; or rather some were, and some were not.

Q.—Were they kept in boxes and drawers?

A.—Some were in drawers and some in boxes, in those places underneath the desks.

Q.—Were the boxes open?

A.—Yes, Sir.

Q.—Were they accessible to the porter?

A.—Yes, Sir.

Q.—Is that the practice now?

A.—No, Sir.

Q.—How are they kept now?



A.—Well, they are kept under lock and key; perhaps they might be accessible now, as they are nothing more than ordinary locks.

Q.—You say they are kept in boxes?

A.—Yes, Sir; or apartments underneath the desk—drawers; I don't know exactly the size of them. The sheets are quite bulky, requiring a good deal of space.

Q.—You were there under Mr. Warren's administration, were you not?

A.—Yes, Sir.

Q.—The whole of it?

A.—No, Sir; I only came in May, eighteen hundred and sixty-two.

Q.—During Mr. Warren's administration, and a part of Mr. Oulton's, I understand you, large numbers of these receipts were filled out, signed, and numbered, and left in sheets under the desk, in open boxes or drawers, where they were accessible to the porter?

A.—Yes, Sir.

Q.—And during a portion of that time Cornelius Brown was the porter?

A.—Yes, Sir; from the time I went into the office until—I do not know the exact time when he was discharged by Mr. Oulton; he remained, though, some months after Mr. Oulton's administration commenced.

Q.—Had you an account of all the receipts that you signed and numbered?

A.—We had an account of the number we sent out.

Q.—Had you an account of the number you had put the Controller's signature to?

A.—No, Sir; only we knew how many we had received from the State Printer.

Q.—But you did not keep an account as you signed, daily or otherwise, of the number signed?

A.—No, Sir.

Q.—Have you now any means of ascertaining the exact number of receipts you have signed during the time you were employed there?

A.—No, Sir.

Q.—There is no mode that you know of for ascertaining the number of foreign miners' license receipts that have been signed during the administration of Mr. Warren or any other Controller, and the only thing you have an account of in that respect is the number that has been sent out and charged to the different County Treasurers?

A.—Yes, Sir.

Q.—And the number returned by them?

A.—Yes, Sir.

Q.—(By Mr. Holden)—And you kept no account of how many came to the office from the printer?

A.—No, Sir, I did not, because that is a thing no memorandum is ever taken of.

Q.—(By Mr. Hawes)—Of course, care was taken to have all the receipts numbered successively?

A.—Yes, Sir.

Q.—For how long a period did the numbers run?

A.—Until the commencement of the new license year.

Q.—What was the largest number that were issued or signed, or what was the highest number in any one year?

A.—I think it was one hundred and forty thousand—perhaps a few under or over, but not many more or less.

Q.—What year was that?

A.—I think it was the year eighteen hundred and sixty-three; I am not positive—either the year eighteen hundred and sixty-three or eighteen hundred and sixty-four.

Q.—Do you feel confident that they were all numbered successively, so that there was no break in the numbers during that year?

A.—Yes, sir; I am positive of that.

Q.—During other years about how many would there be?

A.—Well, between one hundred and thirty thousand and one hundred and forty thousand for the years eighteen hundred and sixty-three and eighteen hundred and sixty-four; perhaps not so many for the year eighteen hundred and sixty-five.

Q.—The highest number did not vary much from that of the other years?

A.—No, sir; not a great deal.

Q.—What is the largest number accounted for during any one year of those that went out?

A.—I do not know.

Q.—Would not it be possible to ascertain from the books what had become of each one of the receipts signed by tracing out the numbers?

A.—Yes, Sir.

Q.—For instance, during the fiscal year you could ascertain from the accounts of the different Treasurers that each receipt from number one to one hundred and forty thousand had been sent out, and to whom it was charged, and you would then be sure of what had become of each one of those numbers?

A.—We could not tell the numbers of those sold from the receipts returned, because the numbers are not kept running along regularly for each county; they would not run consecutively in each county; we could only tell the number returned and the number sold in each county.

Q.—Suppose you had one hundred and forty thousand charged, and one hundred and forty thousand was the highest number of that year, would you not have every one charged that was signed?

A.—Yes, Sir; we would know which counties they went to, but not what number of licenses were disposed of.

Q.—But you would have every one accounted for.

A.—Yes, Sir.

Q.—For instance—you have one hundred and forty thousand charged, and your highest number being one hundred and forty thousand, you would thus account for every receipt that had been signed?

A.—Yes, Sir.

Q.—(By Mr. Holden)—You mean signed and numbered?

A.—Yes, Sir.

Q.—(By Mr. Hawes)—They are numbered at the same time?

A.—Yes, Sir; perhaps not at the same time, but within a short time afterward, or the day following.

Q.—(By Mr. Holden)—If they were taken out after they were signed, and before they were numbered, then the parties could number them as they saw fit, and you could not tell if any were taken out before the numbers were put on?

A.—No, Sir.

Q.—How many days elapsed after they were signed, possibly, before they were taken up and numbered?

A.—Well, perhaps they might remain one day, or perhaps a week—but generally not so long.



Q.—(*By Mr. Oulton*)—Is there, or not, always about the same number of blanks signed with the names that have not the numbers on? For instance—you are signing the name right along day after day, and Mr. Frink is engaged sometimes a week or two indorsing vouchers before he commences; you go on signing, and when he gets through he commences numbering at the last number he quit with, but before he gets all that are signed numbered up something else interrupts him, so that you always have, say from one to twenty thousand signed but not numbered?

A.—Well, that never occurred until the last lot of accounts that came from the Board of Examiners, which Mr. Frink had to indorse; and that has been since the alleged fraud was announced or made known to the public. It never occurred before, or never for any length of time, I think. It is very seldom that there are as many blanks signed ahead as there are numbered. I do not know as it ever did occur.

Q.—(*By Mr. Hawes*)—Not as many signed as there are numbered?

A.—No, Sir; not as many signed which are not numbered as there are signed and numbered.

Q.—That is, more than one half of them are numbered? That is, if you had a thousand signed, he would have always more than five hundred numbered?

A.—Yes, Sir; more than one half of all that are signed are numbered. That is the best of my recollection.

Q.—Still I understand you that it would be altogether possible for a person having access to the office, if evil disposed, to steal the receipts, with the genuine signatures, but without the numbers, or even with the numbers, but in the latter case you could probably detect it.

A.—Yes, Sir. I mean by blanks the receipts filled out, signed, and numbered.

Q.—(*By Mr. Holden*)—Might there not frequently be as many as five hundred or a thousand of these licenses that had been signed by the Controller, and not numbered, taken out without your missing them or knowing it?

A.—They might have been, very possibly, taken in that way; but I think not.

Q.—(*By Mr. Hansbrow*)—Would you not be able to discover it?

A.—No, Sir. There could not be a great many taken in that way, however, because we sign and number as we receive them from the State Printer. We know at that time how many we get, and commence signing and numbering with. We know how many we receive from the State Printer, and how many we lose out; but sometimes we can only approximate to that number, and sometimes the number received from the State Printer falls short. There is no means of knowing accurately.

Q.—You do not pretend to keep the account with the State Printer very closely?

A.—No, Sir.

Q.—(*By Mr. Hawes*)—How many do you generally receive at a time from the State Printer?

A.—Well, varying from ten to fifty or sixty thousand; I think that was the highest number; perhaps more than that; I am not certain; never less than ten thousand, and up to fifty, sixty, or seventy thousand, just as we needed.

Q.—Have you instituted any investigation in the office to ascertain whether any of these receipts had been abstracted?

A.—No, Sir.

Q.—When the receipts were returned by the different County Treasurers, on their settlements, what was done with those thus returned?

A.—A memorandum was made of the number returned, and they were torn up and thrown under the desk. After they had accumulated, and perhaps nearly every morning, they were destroyed—burnt up; that was the usual process of destroying them.

Q.—Was there any quantity of them that remained on hand without being destroyed for a day or two?

A.—No, Sir, I think not. I have usually, after counting them, torn them up immediately.

Q.—Was that always done?

A.—Always, under Mr. Oulton's administration. Before that they may have been thrown down without being torn up and destroyed, and given to the porter to destroy.

Q.—Do you know of that being done, giving them to the porter?

A.—Yes, Sir. I usually, though, stood by him and saw him destroy them—burn them up.

Q.—There were sometimes, however, that he took them without your being with him?

A.—Sometimes, yes, Sir.

Q.—That porter was Cornelius Brown, was it?

A.—Yes, Sir.

Q.—Where did he go with them to destroy them?

A.—They were generally, or all that I ever saw him destroy, were destroyed in front of the Capitol.

Q.—He burned them?

A.—He burnt them.

Q.—Those were the returned receipts?

A.—Yes, Sir.

Q.—Were they in large packages at the time he took them out to destroy them?

A.—Sometimes there would be a hundred of them—from that to fifteen hundred. Some counties returned more, and some less.

Q.—Of course you did not go outside in all cases, to see the burning of them, did you?

A.—Well, I could not say positively that I did, because then we were not so particular about it.

Q.—Was it customary during that time for Brown to go with them unattended—alone?

A.—I think he has sometimes.

Q.—Would it have been possible for him, on different occasions, to take considerable numbers of them without destroying them?

A.—No, Sir; they were all defaced before he took them. They were torn in two, sometimes in three pieces, each license.

Q.—In all cases?

A.—Yes, Sir.

Q.—Was that done by yourself, or by some other officer or Clerk?

A.—It was done by myself.

Q.—In all cases, during Mr. Warren's administration, these returned licenses—

A.—Not during Mr. Warren's administration.

Q.—I am speaking of Mr. Warren's administration?

A.—Well, then, I misunderstood you.

Q.—Then you do not intend the remark which you just made, that

they were always torn in two or three pieces, to apply to him, or his administration?

A.—No, Sir.

Q.—During his administration he took them out whole?

A.—In some cases I think he did. I did not have charge of the licenses from the time I went into the office, which was in May, eighteen hundred and sixty-two, to April, eighteen hundred and sixty-three. Mr. Pixley had charge of the licenses at that time.

Q.—Frank Pixley's brother?

A.—Yes, Sir.

Q.—Do you say that in your opinion it was possible that the porter who took them out could have abstracted any considerable numbers of them during that administration without detection?

A.—He might possibly; I could not say, but those licenses which he took always had the name of the county to which they were first sent written in them, and usually the name of the month.

Q.—And if they did not have, you would, of course, detect it when they were returned?

A.—Yes, Sir.

Q.—Well, as I understand you, during both administrations it would have been possible for the porter to take away the licenses signed and not numbered, or even if the licenses had been numbered?

A.—It might have been possible for him to take away the licenses which were signed, but I do not think he could have taken those which were signed and numbered.

Q.—What would prevent that?

A.—Well, we would discover it when we sent out the licenses, because we always number them consecutively, and always count them and see if they run consecutively, and, if they did not, we would discover it, and see that some were missing.

Q.—The name of the county is filled in when they go out?

A.—Yes, Sir; and not until they are ordered.

Q.—The name of the county is not filled in until they are ordered, and then it is filled in by the Controller, or at the Controller's office?

A.—Yes, Sir.

Q.—After the name of the county is thus filled in, they are not left loose, I suppose, at all?

A.—No, Sir. As soon as they are ready, they are put up in packages and sent out.

Q.—(By Mr. Oulton)—What do you intend to be understood by "open boxes," when you say the receipts are kept in "open boxes?" Are they not cases under the desks, with shelves running across, and doors, with locks and keys, like these? [Referring to a piece of furniture in the room.]

A.—Yes, Sir; precisely like those, or very similar.

Q.—(By Mr. Holden)—Similar to those in the office of the Secretary of State?

A.—Yes, Sir.

Q.—(By Mr. Hawes)—Were they locked up every night?

A.—Yes, Sir.

Q.—Was that the case during Mr. Warren's time?

A.—No, Sir.

Q.—That practice of locking them up came in during Mr. Oulton's administration?

A.—Yes, Sir.

Q.—And did not exist during Mr. Warren's?

A.—No, Sir.

Q.—(By Mr. Holden)—Can you ascertain in the office what numbers have gone to each county?

A.—Yes, Sir.

Q.—(By Mr. Oulton)—Is it not the practice, when the blanks come from the State Printer, to go on and count out a thousand or two thousand of them, and then measure them, and with a rule estimate the whole number received?

A.—Yes, Sir. In my testimony I have not stated perhaps, in some instances, as fully as I might, because the questions were not asked me. That is the only thing that occurs to me. When we get the receipts or blanks from the State Printer, we take and count off a thousand, and measure them, and then average the rest by that. And then, when the licenses come to be signed and numbered, we see if the number signed and numbered correspond with the estimated number received from the State Printer. We have no particular motive in that, only to ascertain whether we get the correct number of blanks from the State Printer.

Q.—(By Mr. Holden)—It would be possible, I suppose, for the porter, coming in the morning, or in the evening after you were through work, to get at these licenses that have been signed?

A.—Yes, Sir.

Q.—That is, there was nothing to prevent that during Mr. Warren's administration?

A.—No, Sir.

Q.—Do I understand you to say that during Mr. Oulton's administration they have been locked up in those drawers of a night?

A.—Yes, Sir.

Q.—Then the porter could not have got at them unless he had a key?

A.—No, Sir.

Q.—Do you know whether he had keys?

A.—I do not; he had no right to have them.

Q.—(By Mr. Hansbrow)—They were common, ordinary locks?

A.—I believe so.

# TESTIMONY OF A. W. PERLEY.

MONDAY, February 5th, 1866.

A. W. Perley, (recalled,) testified as follows:

Q.—(By Mr. Hawes)—Mr. Perley, you stated in your former examination that the foreign miners' license receipts were all numbered successively, from the beginning to the end of the license year, I believe?

A.—Yes, Sir.

Q.—And that if any one of them should happen to be destroyed, in consequence of being blotted, or otherwise, new blanks are filled out with the proper numbers, so as to keep the succession of numbers unbroken?

A.—Yes, Sir.

[The witness here exhibited a memorandum of the numbers and the counties to which foreign miners' licenses have been sent, to this date, a copy of which is hereto annexed, marked "Perley's Exhibit, A."]

Q.—(By Mr. Hawes)—In this memorandum book do you note down briefly, as here appears, all the foreign miners' license receipts that are sent out?

A.—Yes, Sir.

Q.—Until the proper and full entries can be made in the proper books?

A.—Yes, Sir; they are taken from that book into this, [witness here exhibited one of the Controller's office books—the journal,] as you can see from the first entry of, "Klamath County—number one to number five hundred." It is also posted in the ledger.

Q.—How would you know, when you note down these five hundred license receipts, for example, sent or delivered to the Treasurer of Klamath, on the twelfth day of October, as appears, that the numbers are, in fact, all running from one to five hundred?

A.—I would look at each license.

Q.—Then you know from personal inspection that the numbers are there and do run successively, as noted here in the book?

A.—Yes, Sir; the exact number of the receipts, and the numbers on each receipt.

Q.—One question further, that the committee forgot when you were examined before: In all the transactions of the office while you have been employed in it, has it ever been discovered, according to the best of your knowledge, information, and belief, that any of these successive numbers have been abstracted or missing, so as not to be accounted for by the various entries in the proper books of the office, in the accounts with County Treasurers, or otherwise?

A.—Since what period?

Q.—The question is general—all the time you have been in the office?

A.—When I first came into the office the books were not kept perfectly; no credits were made, only the amount returned, so that you could not tell how many of the licenses were returned; but since Mr. Oulton came into the office the accounts have been balanced up, and since his term commenced every foreign miners' license which has been sent to the County Treasurers has been accounted for. What was your previous question?

Q.—(Read by the Reporter)—In all the transactions of the office, while you have been employed in it, has it ever been discovered, according to the best of your knowledge, information, and belief, that any of these successive numbers have been abstracted or missing, so as not to be accounted for by the various entries in the proper books of the office, in the accounts with County Treasurers, or otherwise?

A.—In answer to that I would say, not to my knowledge.

Q.—(By Mr. Hawes)—I understand, then, that no numbers have been missing to your knowledge?

A.—No, Sir.

Q.—You have already stated that the accounts are kept with somewhat greater strictness at present than they were formerly.

A.—Yes, Sir; they are kept perfectly straight, or have been ever since. Under Mr. Oulton's administration every license is accounted for. When the Treasurer makes his settlement at the end of the license year, if he does not have sufficient money on hand with the number of licenses returned to balance his license account, he is required to bring that

amount of money to balance his account before his settlement can be made.

Q.—And it would not be possible as the accounts are now kept, or as they were formerly kept during the time that you have been in the office, for any of these numbers to have been abstracted without the fact being detected?

A.—No, Sir; I think not.

Q.—The licenses are first ordered by the Controller from the State Printer?

A.—The blank licenses are ordered from the State Printer; they are then signed by myself, after which they are numbered by Mr. Frink; they are then put away into the drawers or desk, to await the orders of the County Treasurers. As soon as a County Treasurer orders, for instance, a thousand licenses, I immediately go to the desk and take out one thousand foreign miners' license receipts, and look to see if the numbers run consecutively; if it commences at number one, I take from that to number one thousand. After filling in the name of the county that has ordered them, I take each one up separately, counting the number of sheets, and see that the first sheet commences with number one on the top, the next with number six, the next with number eleven, and so on, noticing each sheet consecutively. There being five licenses on a sheet, and consequently I know that it requires two hundred sheets to make the one thousand licenses. They are then put up with an invoice, with a receipt attached to it. The invoice shows the numbers sent, stating the numbers on the licenses inclusively, with a request to return the annexed receipt to the office as soon as received. I presume the County Treasurer counts them, and signs the receipt accompanying the invoice, and returns it to this office. I would also mention, that as soon as the licenses are sent out, or before, a memorandum is made, as you see in that memorandum book; that is posted into the journal in detail, and from the journal posted into the ledger, where the foreign miners' license accounts with the Treasurers are kept. Then, when the settlement comes to be made, I take the abstracts which are returned by the County Treasurers, and make the entries from that, or the Auditor's report—both the Auditor's report and the abstract must correspond—that is, the amounts in the report and the abstract must correspond. Twenty per cent is credited to the Treasurer as having been paid to the Tax Collector; fifty per cent of what remains—that is, of the net proceeds—goes to the credit of the county, and the balance—the other fifty per cent—goes to the credit of the State. That is the abstract.

Q.—At the end of the license year, will you state if all unsold licenses in the hands of the County Treasurers are required to be returned?

A.—Yes, Sir; at the end of the license year, which ends on the second Monday in November in each year, the Treasurers are required to return all the blanks remaining unsold which have been issued to them for the previous year—all that are remaining unsold at that date. In most instances they do it promptly, and if they do not the Controller requests the Treasurers to return all the license receipts on hand—those who have not already done so. Sometimes they are tardy, and then if they have not all returned them within a short time after the second Monday in November in each year, the Controller writes or sends a circular, or sends them a request that they do so.

Q.—(By Mr. Holden)—The settlement is not made and the Treasurer discharged until he does it?

A.—No, Sir. At the next settlement they are required to account for

enough money, together with the licenses returned, to balance their accounts. If they do not have the licenses they are required to furnish the money. There have been one or two instances where the licenses, they said, were lost, and they were required to furnish the money.

Q.—Has there been any defalcation in that respect on the part of any County Treasurer, to your knowledge?

A.—No, Sir, there has not. Wherever there has been such instances, I say, as in Calaveras and Sierra Counties, where deficiencies occurred, they were required, before settlement was made, to make up the deficiency in money.

### TESTIMONY OF A. W. PERLEY.

TUESDAY, February 20th, 1866.

A. W. Perley, (recalled,) testified as follows:

Q.—(By Mr. Smith)—Were you present at the examination of Mr. Williams?

A.—Yes, Sir; during a portion of the examination.

Q.—Did he have a blank license in his possession?

A.—He had one.

Q.—Did he exhibit it to the committee?

A.—Yes, Sir. It was exhibited to me by Mr. Hawes.

Q.—The license was filled out?

A.—Yes, Sir.

Q.—You examined it?

A.—Yes, Sir.

Q.—Are you able to determine from that examination, and can you so determine, that the license was genuine?

A.—Yes, Sir; the license was properly signed, and the county had been filled in in this office.

Q.—How was it signed?

A.—It was signed with Mr. Oulton's signature to it, and the name of the county was filled in in my handwriting. The number was also filled in the office; the figures were made by Mr. Frink.

Q.—What was the number?

A.—Number eighty-four thousand three hundred and eight. The figures were made by Mr. Frink.

Q.—Mr. Frink, the Clerk here?

A.—Yes, Sir; whose business it is to number them.

Q.—Do you know when that license was sent out?

A.—Yes, Sir; in July, eighteen hundred and sixty-five; I have forgotten exactly the day; about the middle, I think—the nineteenth, I believe, was the date.

Q.—Did you ever write the name of the county in any other licenses than those sent to the Treasurer of that county?

A.—No, Sir.

Q.—(By Mr. Holden)—Did you write Mr. Oulton's name—put his signature to that license?

A.—Yes, Sir.

Q.—The one that was exhibited by Mr. Williams?

A.—Yes, Sir.

Q.—You examined it closely, did you?

A.—Yes, Sir.

A. W. Perley being duly sworn, deposes and says he has heard read the above and foregoing thirty-nine pages of testimony given before the Investigating Committee, after the same had been written out in long hand by Mr. Marsh, the Phonographic Reporter, and that the same is correct.

A. W. PERLEY.

Sworn to, and subscribed before me, this twenty-first of February, eighteen hundred and sixty-six.

WILLIAM HOLDEN,  
Of the Committee.

[Perley's Exhibit, "A."]

MEMORANDUM of Foreign Miners' Licenses issued to County Treasurers, for the foreign miners' license year, commencing November thirteenth, eighteen hundred and sixty-five.

Date.	Counties.	No. sent.	Numbers.
1865.			
October 12.....	Klamath .....	500	1 to 500
October 12.....	Del Norte.....	500	501 to 1,000
October 12.....	Plumas .....	500	1,001 to 1,500
October 12.....	Siskiyou.....	1,000	1,501 to 2,500
October 12.....	Shasta .....	500	2,501 to 3,000
October 12.....	Amador.....	1,000	3,001 to 4,000
October 12.....	Trinity .....	500	4,001 to 4,500
October 12.....	Butte .....	1,000	4,501 to 5,500
October 12.....	Tuolumne .....	1,000	5,501 to 6,500
October 12.....	Mariposa .....	1,000	6,501 to 7,500
October 12.....	Merced .....	500	7,501 to 8,000
October 12.....	Fresno .....	500	8,001 to 8,500
October 12.....	Placer .....	1,000	8,501 to 9,500
October 12.....	Yuba .....	1,000	9,501 to 10,500
October 12.....	Sierra .....	1,000	10,501 to 11,500
October 12.....	Nevada .....	1,000	11,501 to 12,500
October 13.....	Calaveras .....	1,000	12,501 to 13,500
October 13.....	Tehama .....	300	13,501 to 13,800
October 13.....	Stanislaus .....	300	13,801 to 14,100
October 13.....	San Joaquin.....	300	14,101 to 14,400
October 13.....	Tulare .....	200	14,401 to 14,600
October 16.....	El Dorado.....	2,000	14,601 to 16,600
November 6..	Sacramento .....	1,000	16,601 to 17,600
November 20..	Placer.....	1,000	17,601 to 18,600
November 20..	Plumas .....	1,000	18,601 to 19,600
November 30..	Siskiyou.....	1,000	19,601 to 20,600
December 8..	Klamath.....	1,000	20,601 to 21,600
December 18..	Amador .....	1,000	21,601 to 22,600
December 30..	El Dorado.....	1,500	22,601 to 24,100

## MEMORANDUM—Continued.

Date.	Counties.	No. sent.	Numbers.
1866.			
January 2.....	Trinity .....	1,000	24,101 to 25,100
January 3.....	Calaveras.....	1,000	25,101 to 26,100
January 4.....	Nevada .....	800	26,101 to 26,900
January 4.....	Butte .....	1,000	26,901 to 27,900
January 8.....	Tuolumne.....	1,000	27,901 to 28,900
January 9.....	Shasta.....	1,000	28,901 to 29,900
January 9.....	Siskiyou .....	1,000	29,901 to 30,900

## TESTIMONY OF JACOB FOSTER.

SATURDAY, February 3d, 1866.

Jacob Foster, (colored,) being duly sworn, testified as follows :

Q.—(By Mr. Hawes)—How long have you lived in the city here, and what is your occupation?

A.—I have been keeping a billiard saloon here ever since eighteen hundred and fifty-one.

Q.—Where is your place?

A.—Number eighty, Third street, between K and L streets.

Q.—Have you been acquainted with Cornelius Brown?

A.—Yes, Sir, ever since eighteen hundred and fifty-three or eighteen hundred and fifty-two.

Q.—Has he been accustomed to visit your place there?

A.—Yes, Sir.

Q.—For how long has he been accustomed to visit the saloon there?

A.—Well, ever since eighteen hundred and fifty-three and eighteen hundred and fifty-four he has been in the habit of coming. I have not been at that place all the time.

Q.—Do you know of his having any connection with the sale of foreign miners' license receipts?

A.—No, Sir.

Q.—Did you ever know him to have any in his possession?

A.—No, Sir.

Q.—Did you ever see any in his possession?

A.—No, Sir.

Q.—Did you ever see him in possession of any papers from the Controller's office?

A.—No, Sir.

Q.—Did you ever see him in conversation with any Tax Collectors from up country, there at your place?

A.—I have seen him talking with some men, I don't know who they were, that used to come to see him sometimes.

Q.—(By Mr. Hansbrow)—White men?

A.—Yes, Sir.

Q.—(By Mr. Hawes)—Do you know the names of any of them?

A.—No, Sir; they hardly ever spoke or stopped in the house; they always went off together.

Q.—Do you know what their business was with him?

A.—No, Sir.

Q.—Did he ever tell you anything about his business with them?

A.—No, Sir.

Q.—Did he used to go up country to visit those people on business?

A.—Well, I have known him to go up country several times. I don't know where he went to. He went up to Shasta, or some place, or said he was going; I don't know where.

Q.—When was that?

A.—Let me see—last winter, I believe; one or two winters ago.

Q.—How often did he go up there?

A.—Well, he made two trips, I believe—last winter, I think, or the winter before that. I believe he made one or two trips up country some place.

Q.—Did he tell you what he went up for?

A.—He told me he was going up to gamble.

Q.—Did he gamble here?

A.—Yes, Sir.

Q.—How much did you ever know him to lose at a time, or win in one evening, or day?

A.—Well, as near as I can come to it, I have seen him lose at one time a hundred or so dollars. I have seen him lose a couple of hundred dollars some time ago.

Q.—How long ago?

A.—Well, about a year ago, thereabout. He has played at other places; I do not know what he lost.

Q.—Did he always have plenty of money?

A.—Yes, Sir; I believe he did; he always had money; always settled his bills as he went along, except here lately, or this last affair; he got to owing some people here around town, I believe.

Q.—When he came back from the upper country, did he generally come with plenty of money?

A.—Well, yes, Sir; he had money—I do not know—he did not show how much he had; always a few hundred dollars, though, that he used to leave there in the safe.

Q.—In your safe?

A.—Yes, Sir.

Q.—How much did he ever leave at a time?

A.—Well, four hundred and seventy-five dollars at one time is the most I ever knew him to leave for a few days.

Q.—When was that?

A.—That was the last time he went up country—up about Shasta there.

Q.—How long ago was it?—when was it?

A.—Well, it has been near a year ago this last winter; it was very cold, I recollect.

Q.—He brought the money down, did he?

A.—Yes, Sir; he came there and deposited it before he went down where he lives.

Q.—Deposited it in your safe?

A.—Yes, Sir; it did not stay more than eight or ten hours.  
 Q.—What did he do with it?  
 A.—He took it with him.  
 Q.—Did he buy any jewelry?  
 A.—I do not know; he had a watch and pin.  
 Q.—What kind of a watch?  
 A.—One of these magic watches.  
 Q.—What did it cost?  
 A.—I do not know; perhaps three hundred and fifty dollars.  
 Q.—What kind of a pin?  
 A.—One of these kind of crosses set with diamonds.  
 Q.—What did that cost?  
 A.—I don't know what it cost; I judge from the way it looked it must be worth over one hundred dollars.  
 Q.—What other jewelry did he have, or his wife?  
 A.—I don't know; I never went to his house in my life; he never asked me to his house.  
 Q.—(By Mr. Holden)—Were you acquainted with those men who used to come and see him?  
 A.—No, sir; I never knew them.  
 Q.—Did they come often?  
 A.—No, Sir; I never saw them but about twice. They would come and ring the bell at the door, and ask for Mr. Brown.  
 Q.—(By Mr. Hansbrow)—The same men every time?  
 A.—Yes, Sir; looked to be men that lived in the mountains, as near as I can judge. Well, they didn't live in the city, because I know pretty much everybody that lives around town, except strangers. They must be from up country somewhere.  
 Q.—What was the general reputation of Brown amongst the colored people?  
 A.—Well, he was a man that always—well, he gambled some.  
 Q.—A sporting man?  
 A.—Yes, Sir; he always gambled, ever since I knew him.  
 Q.—Aside from his gambling propensities, was he looked upon as an honest man amongst the colored people?  
 A.—Yes, Sir; I believe he was so considered.  
 Q.—You have never seen him have papers of that character? [Showing the witness the foreign miners' license receipt produced by the witness Williams.]  
 A.—No, Sir.  
 Q.—Nor anything similar to it?  
 A.—No, Sir.  
 Q.—Did you ever hear him talk about his position as porter in the Controller's office?  
 A.—Well, I know he was working in there; I have heard him say he was working in the Controller's office.  
 Q.—How long is it since you have heard of his being implicated in these transactions?  
 A.—A few days ago, when the *Bee* came out.  
 Q.—Not before that?  
 A.—No, Sir.  
 Q.—You have heard, I suppose, a great many remarks made about it since that time, by the colored people who were acquainted with Brown?  
 A.—O yes, Sir.  
 Q.—Have those remarks been of a positive character? Among those

remarks have you heard it said by any that they knew anything about it, or that they thought as much, from circumstances connected with Brown? Do you know of colored people sufficiently well acquainted with him to enlighten the committee as to his circumstances, so as to trace it out?

A.—No, Sir. They thought there was something wrong for some time; they could not tell what. They knew he could not make a great deal of money—enough to support him the way he lived; he was not working any. He couldn't make it gambling, because men have got so smart now-a-days that he couldn't beat.

Q.—He was employed by you at one time, was he not?

A.—Yes, Sir, while I was over to Virginia; gone three weeks; he stopped at my place.

Q.—He took charge of your business?

A.—Yes, Sir.

Q.—Not at any other time?

A.—No, Sir.

Q.—Have his transactions with you always been honest?

A.—Yes, Sir, as near as I can tell.

Q.—You have seen his wife frequently, have you not?

A.—I have seen her on the street, Sir; I never spoke to her in my life.

Q.—What is her reputation, as a general thing, so far as relates to extravagance and expenditure in dress?

A.—I don't know; they all say she dressed very fine.

Q.—Keeps up with him in that respect—jewelry, and so forth?

A.—I believe so, Sir.

Q.—(By Mr. Hawes)—How many different white men were there that used to come to see Brown?

A.—Well, I have seen them come—let's see, well I have seen one man come twice in one day; they went off together, taking a walk down town.

Q.—Did you see that same man afterwards?

A.—I have seen him twice on one day—one of them, that is—came at different times. They used to call for him different times.

Q.—During how long a period was that? During a year or so?

A.—Yes, Sir; one man came twice in one day; he came there about ten o'clock, and asked if Mr. Brown was there; I said yes, and he asked him out; Brown came out, and they shook hands and walked down town.

Q.—(By Mr. Hansbrow)—In which direction?

A.—Down Third street, towards the railroad; then he came again in the evening. Mr. Brown was not there then; he came to look for him.

Q.—(By Mr. Hawes)—Well, the other men, what about them?

A.—Well, they came one at a time, at least different times.

Q.—What kind of looking men were they? Give us a description?

A.—One of them is a kind of a young man about the size of this gentleman [Mr. Marsh, the Reporter]; the other was smaller.

Q.—What was the complexion of the smallest man?

A.—Well, he was a red faced man.

Q.—Did he wear whiskers?

A.—Yes, Sir.

Q.—Well dressed?

A.—Yes, Sir; pretty well dressed.  
 Q.—What color of hair?  
 A.—Black hair.  
 Q.—About the size of Mr. Marsh, you say?  
 A.—I think he was as near as I can imagine.  
 Q.—Was he about Mr. Marsh's age?  
 A.—I think he looked a little younger.  
 Q.—Did you see that same man with anybody else in this city?  
 A.—No, Sir; I never saw him since, that I know of.  
 Q.—That is the one that called twice in one day?  
 A.—Yes, Sir.  
 Q.—Did you hear any conversation between them?  
 A.—No, Sir; they both went away taking a walk, right off.  
 Q.—How did he walk, pretty straight?  
 A.—Yes, Sir; pretty straight, I believe.  
 Q.—Fast or slow?  
 A.—No; they were not walking fast when they started. I didn't know who it was. I took it to be sporting men around there.  
 Q.—Let us take another, now. What kind of a man was the next one?  
 A.—He was a slim, tall man. I think he had black hair.  
 Q.—Did he have whiskers?  
 A.—Yes, Sir, I think he did.  
 Q.—How old a man?  
 A.—Well, I don't know. He looked to be about thirty; I judge he was near about thirty.  
 Q.—Take the third man. What kind of a looking man was he?  
 A.—He was near the same size, I should think.  
 Q.—Tall and slim?  
 A.—Yes, Sir; pretty well put up.  
 Q.—Did he have whiskers, too?  
 A.—I don't know exactly. I was busy at the time.  
 Q.—You never heard the name of either of them?  
 A.—No, Sir; they never stopped at all.  
 Q.—Did you ever know a man by the name of Hines, or hear of such a man?  
 A.—No, Sir, I never did.  
 Q.—Do you know of there being such a man up country?  
 A.—Not as I know of.  
 Q.—You never saw either of these three men with any person here, except Brown?  
 A.—No, Sir.  
 Q.—Did you ever hear Brown say who his acquaintances were?  
 A.—No, Sir.  
 Q.—You never found out by anybody else?  
 A.—No, Sir. Mr. Brown is a man who don't talk a great deal.  
 Q.—Do you know where Brown got the watch?  
 A.—No, Sir. He told me he bought it in San Francisco.  
 Q.—When did he get it?  
 A.—He has had it nearly two years, now, or eighteen months.  
 Q.—Did he get the pin at the same time?  
 A.—No, Sir; he had a ring at first, and had that turned into a pin?  
 Q.—When did he get the ring?  
 A.—He has had that a year or better.  
 Q.—He got the ring as soon as he got the watch?

A.—Yes, Sir.  
 Q.—How long has he been married?  
 A.—Well, let's see—about four years, nearly.  
 Q.—He got the watch since he has been married?  
 A.—Yes, Sir; that is, the last watch; he had a watch before that.  
 Q.—What did he do with the watch he had before that?  
 A.—He told me a man won it from him; I don't know.  
 Q.—Did you know him before he was married?  
 A.—Oh yes, Sir; he used to live here on I street.  
 Q.—Did he have another woman before he was married?  
 A.—Yes, Sir. Well, he had two or three, I believe, different ones; he didn't stop with one long at a time.  
 Q.—(By Mr. Holden)—Is he a Mormon?  
 A.—I don't know, Sir; they used to come down to see him once in a while.  
 Q.—(By Mr. Hawes)—Did he get his first watch from a woman?  
 A.—I don't know; some of the boys says that some woman made him a present of it.  
 Q.—That expensive watch is the one he bought lately, or since he was married?  
 A.—Yes, Sir.  
 Q.—He says he bought that in the city?  
 A.—Yes, Sir.  
 Q.—And the ring he bought since, and afterwards had it made into a pin?  
 A.—Yes, Sir; that is what he told me.  
 Q.—Now, Mr. Foster, can you tell us anything more about this business?  
 A.—No, Sir; I don't know as I can.  
 Q.—You say you cannot tell anything about how Brown got his money?  
 A.—No, Sir. I knew he gambled, but I didn't know how he managed to get it; I knew he had money.  
 Q.—You do not know whether he got these licenses, or anything else, from the Controller's office?  
 A.—No, Sir.  
 Q.—You have no means of ascertaining whether he did or not?  
 A.—No, Sir.  
 Q.—Cannot you tell us of somebody who can give us some information about that?  
 A.—No, Sir. Mr. Brown is a man who did not do much talking; he never allowed anybody to know his business.  
 Q.—Nobody went with him when he went up country that you know of?  
 A.—No, Sir; he always went by himself.  
 Q.—Do you know anybody that saw him up there?  
 A.—Well, men told me they had seen him up in Shasta.  
 Q.—Who?  
 A.—Henry Joseph and Tidball, who gambled with him; they told me about beating him up there; no person that went from here.  
 Q.—Did he carry any baggage on these trips?  
 A.—Only a small little valise.  
 Q.—How large?  
 A.—Only large enough for carrying two or three shirts.  
 Q.—As big as that trunk? [referring to a small trunk or valise in the room of the Chairman.]

A.—Nearly that size.

Q.—With handles like that?

A.—It had a handle to it; a large square valise, about the same shape as that, and a handle in the middle, and opened at the side.

Q.—(By Mr. Hansbrow)—From your recollection of those white men who came to your place inquiring for Brown, do you think you could recognize them positively, or either of them?

A.—I don't know if I could; I might know them if I saw them. They just rang the bell and called Mr. Brown out; I never had any talk with them at all.

Q.—Brown stopped at your house most of the time, did he not?

A.—Yes, Sir.

Q.—Did you always keep that little trunk there?

A.—No, Sir; it would just stop there a day, and he would take it where he slept down town.

Q.—Did he ever bring his little valise to your house prior to starting on those trips?

A.—Well, he always brought it in his hand himself, and kept it with him.

Q.—Kept it until he went on the boat?

A.—Yes, Sir.

Q.—(By Mr. Hawes)—Have you ever been up country yourself?

A.—No, Sir; I worked always south in the mines, when I was mining in 'forty-nine and 'fifty.

Q.—Have you ever been in Shasta or Trinity Counties?

A.—No, Sir; I have never been that route.

# TESTIMONY OF L. H. FULLER.

MONDAY, February, 5th, 1866.

L. H. Fuller, being duly sworn, testified as follows:

Q.—(By Mr. Hawes)—State what is your occupation, and how long you have been thus engaged?

A.—I am Clerk in the Controller's office, engaged principally in signing the poll tax receipts.

Q.—How long a time have you been thus engaged in the Controller's office, or otherwise engaged as a Clerk in that office?

A.—Since two years ago the tenth of December last.

Q.—Does that two years embrace any portion of the administration of Mr. Warren?

A.—No, Sir.

Q.—Were you employed in the office at any time under Mr. Warren's administration?

A.—No, Sir.

Q.—Nor at any former period?

A.—No, Sir.

Q.—Have you been constantly in the office, daily employed in the office, during the time you have indicated of about two years?

A.—I have, with the exception of four or five days that I was down to San Francisco.

Q.—Have you any knowledge, directly or indirectly, or any reliable information, that any foreign miners' license receipts have been at any time surreptitiously abstracted from the office, or otherwise disposed of by any person, whether connected or unconnected with the office, for any price whatever.

A.—No, Sir; I have not.

Q.—It is the practice, and the requisite of the law, I believe, to deliver or send these receipts to the orders of the various County Treasurers, and they are charged in their accounts? Is not that the case?

A.—Yes, Sir.

Q.—The Controller, or any one in his office, is not permitted to collect any money or to make sale of anything, on any account whatever, is he?

A.—Nothing that I know of, with the exception of insurance companies that may pay five dollars for a copy of some papers.

Q.—For a certificate that they have complied with the law?

A.—Yes, Sir; that is all, I believe.

Q.—That five dollars for a certificate, which he is to collect and pay into the State Treasury, is the only instance in which he is allowed by law to receive or collect any money whatever in his official capacity?

A.—So far as I know, it is.

Q.—I understand you to say, then, that with that exception, there is no instance in which any one having access to the office has made sale of any licenses, or received any money on account of official acts, so far as your knowledge or information extends?

A.—That is the only thing that I know of.

Q.—You, of course, have noticed certain charges in the newspapers to the effect that persons could obtain foreign miners' licenses at fifty cents apiece, have you not?

A.—Yes, Sir.

Q.—Have you any knowledge or information as to the truth of that statement?

A.—I have not.

Q.—Have you any knowledge or information in relation to this man Cornelius Brown—whether he had any means of obtaining these license receipts, surreptitiously or otherwise, and making sale of them?

A.—Nothing further than that he was at one time porter in the office, for, I should think, four or five months. I do not recollect the exact time. I should judge, about that time.

Q.—I will ask you whether, as an independent fact, he abstracted any of these papers or not, you are able to say?

A.—I cannot.

Q.—Have you a knowledge of any facts or circumstances sufficient to form a belief in your mind on the subject?

A.—I may have a belief on the subject, but I know no particular facts bearing upon it.

Q.—State what your belief is, and the reasons for it.

A.—My belief is that there have never been any abstracted, and the reasons for that belief are these: These licenses are signed and placed in cases in the office, and I think it would be difficult to take any number of them without their being missed or noticed. There is scarcely a day passes but some are taken out and numbered, and others signed and put in their place, so that they are seen every day, and if any number of them were taken, it would be observed and mention made of it.

Q.—(By Mr. Holden)—What would prevent him, being a porter and



having access to the office, from taking these licenses after they were signed?

A.—I do not know that there would be any particular prevention, having access to the office. The locks on the doors were just an ordinary lock, and there would be no particular difficulty in opening them.

Q.—The only reason you have to think that he has never taken any is that they would have been missed?

A.—Yes, Sir; if he took those that had been numbered, they would have been missed; there would have been missing numbers unless he took the very last ones.

Q.—It could not have been detected in that way if he had taken only those that were signed?

A.—If they were disposed of and the licenses found it would have been detected, from the fact that the name of the county has to be filled in in the office, and if that was not in the handwriting of the Clerk it would be evidence that they were taken surreptitiously.

Q.—Is that filled in at the time they are signed by the Controller?

A.—No, Sir; not until the order is received from the Treasurer of the county to send them off.

Q.—(*By Mr. Hansbrow*)—In the settlement of accounts, and the return of licenses not disposed of, from the officers of the different counties, how many licenses are wont to be returned at one time? That is, about how many?

A.—Sometimes there may be perhaps a thousand or fifteen hundred; I could not state exactly—Mr. Perley has charge of that more especially—sometimes, I should think, as many as fifteen hundred.

Q.—For instance, in a settlement of that character, late in the evening, might it not be possible that many such would remain where they could be got hold of by this porter, or some other person, before they were destroyed? What is your opinion?

A.—I should not think so, because when they are brought to the office or sent by express, as they usually are when there is any number of them, when they are brought here by the messenger, they are immediately counted and torn in two.

Q.—At that time?

A.—Yes, Sir; they are immediately counted and torn in two, and afterwards they are burned.

Q.—(*By Mr. Hawes*)—One word further. These licenses, I understand, are all numbered successively, from the beginning to the end of the fiscal year, or the license year?

A.—That is the case; yes, Sir.

Q.—If, in filling out and signing, any number is blotted, or any number destroyed in the office after numbering, those numbers of course would be made up by new ones filled out, would they not, so as to keep up the succession of numbers unbroken from the beginning to the end of the revenue year—is not that the case?

A.—Yes, Sir; from the beginning to the end of the license year. It ends in November, the second Monday, I think; I am not positive; but the first of the month.

Q.—In all the transactions of the office, during the time that you have been in it, has it been discovered, according to the best of your knowledge, information, and belief, that any of those successive numbers have been abstracted, or missing, so as not to be accounted for by the various entries and accounts with the County Treasurers?

A.—No, Sir; there never has been any missing, so far as I know.

Q.—Who makes the entries in the County Treasurers' accounts?

A.—Mr. Perley.

L. H. Fuller, being duly sworn, deposes and says, he has heard read the above and foregoing ten pages of testimony, given by him before the Investigating Committee, and the same is correct.

L. H. FULLER.

Sworn to and subscribed before me, this twenty-fourth day of February, A. D. eighteen hundred and sixty-six.

WILLIAM HOLDEN,  
Of the Committee.

### TESTIMONY OF W. H. FRINK.

MONDAY, February 5th, 1866.

W. H. Frink, being duly sworn, testified as follows:

Q.—(*By Mr. Hawes*)—State if you are employed in the Controller's office, in what capacity, and how long you have been thus employed?

A.—I am employed as a Clerk, and have been so employed in the office two years this next March; my principal business is preparing vouchers and numbering licenses.

Q.—Have you been daily in the office, during business hours, during the period mentioned?

A.—I have, with the exception of probably four or five days on one occasion, when I went to San Francisco.

Q.—Are all the foreign miners' licenses numbered by your hand?

A.—They are. There probably may have been—will say half a dozen sheets—numbered by others; but the last year and a half all of them have been numbered by me. Sometimes a Clerk might at first sit down at the desk and number a sheet or two; but there has not to my knowledge been any numbered during the last year and a half but by myself.

Q.—State if the numbers run consecutively from the beginning to the end of the year?

A.—They do.

Q.—State whether you have strictly, and in all instances, observed that order?

A.—I have.

Q.—During the time that you have been employed in the office, or at any time whatever, according to the best of your knowledge, information, and belief, have any of these numbers been abstracted or missing, so as not to be accounted for in the entries made in the proper books kept with the various County Treasurers?

A.—There has not?

Q.—Have there ever been, to your knowledge, information, and belief, any foreign miners' license receipts, bearing the Controller's name or signature, surreptitiously abstracted from the office, or missing?

A.—There has not to my knowledge.

Q.—You have probably noticed that it has been charged in some of the newspapers, that these licenses or receipts could be purchased at fifty

cents apiece, or some other price. Have you any knowledge or information that you can communicate to the committee on that subject?

A.—I have not. I could express my views as to the probability or improbability of the truth of the charge—not other than that.

Q.—Well?

A.—I would state, then, in my opinion it is hardly possible; not probable by any means.

Q.—Has there ever, to your knowledge, been a license of any kind sold by any person whatsoever, or by the connivance of any person whatsoever, connected with the Controller's office, for any purpose?

A.—There has not.

Q.—With the exception of the fee for certificates given to insurance companies, which has been collected and paid into the State Treasury, has there, according to the best of your knowledge, information, and belief, ever been collected or received by any person connected with the Controller's office, or by the connivance of any person connected with the Controller's office, any money, on account of any official service or acts whatever?

A.—There has not.

Q.—Of course excepting the compensation which they receive in the regular way for their services, paid out of the public Treasury, after being duly audited?

A.—Yes, Sir.

Q.—(By Mr. Holden)—How many licenses were generally signed and on hand in the boxes before they were numbered, as a general thing, or on an average?

A.—Well, it would not be more than seven or eight thousand, until quite recently; now they are getting ready for the new issue—another revenue year—and they are compelled to get them ahead, to send out to all the counties; we have to send out to them all about the same time.

Q.—I mean the foreign miners' license receipts. How many of them are generally on hand that are signed before they are numbered?

A.—Well, about from seven or eight thousand to ten thousand; well, not often as many as that, because when there are not many vouchers or claims coming in, I keep on numbering, and keep up.

Q.—Mr. Perley signs them?

A.—Yes, Sir; and I number them.

Q.—(By Mr. Hawes)—Who writes the name of the county in the foreign miners' license receipts, when they are ordered?

A.—Mr. Perley.

W. H. Frink, being duly sworn, deposes and says, that he has heard read the above and foregoing six pages of testimony given by him before the Investigating Committee, and the same is correct.

WM. H. FRINK.

Subscribed and sworn to before me, this twenty-fourth day of February, eighteen hundred and sixty-six.

WILLIAM HOLDEN,  
Of the Committee.

# TESTIMONY OF EDWARD M. HOWISON.

MONDAY, February 5th, 1866.

Edward M. Howison, being duly sworn, testified as follows:

Q.—(By Mr. Hawes)—Will you inform the committee in what capacity you are employed in the Controller's office, and how long have you been connected with that office?

A.—I have been employed as Clerk, generally speaking; the particular department I am connected with is the Warrant Department—issuing of warrants and registering them—and the settlement of the accounts of County Treasurers when they occur. I have been employed in the office since the month of January, eighteen hundred and sixty-two, all the time, except one month, at which time I was absent. I commenced with Doctor Warren, in January, eighteen hundred and sixty-two, and have been here during Mr. Oulton's term, except about one month, when I was absent, from the fifth of March, eighteen hundred and sixty-four, to about the first of April. I left the fifth of March, and got back about the fifth of April.

Q.—(By Mr. Oulton)—You had, perhaps, better state where you were.

A.—I was in the State of Nevada—the other side of the mountains.

Q.—(By Mr. Hawes)—Have your duties kept you employed daily in the Controller's office from eighteen hundred and sixty-two to the present time, with that exception?

A.—Yes, Sir, except that I might occasionally be absent for recreation, or something of that kind—not more than five days, I think, at any one time—once or twice a year. I believe I could name the times I have been absent, if it is necessary. I was absent as to the month I speak of on my own business, not business connected with the office, and in that time I was absent, besides, on recreation, three times that I went to San Francisco, and three times to Stockton, where I formerly lived.

Q.—You have probably noticed, Mr. Howison, that it has been stated in the newspapers—some of them—that foreign miners' license receipts could be purchased here in Sacramento, or somewhere, for fifty cents apiece.

A.—Yes, Sir; I have seen that statement in the newspapers.

Q.—Have you any knowledge or reliable information on that subject?

A.—I have my own observation, which I consider reliable; I have no information outside in any way, except my own knowledge of what occurs in the office.

Q.—Communicate what your knowledge and information are on the subject.

A.—My knowledge and observation both teach me to believe that no such thing could occur—that no foreign miners' licenses could be obtained from the office in any way for fifty cents.

Q.—According to the best of your knowledge, information, and belief, has there ever been sold for fifty cents, or any other price or consideration, any foreign miners' license receipt by any person in any manner connected with the office, or by the connivance or consent of any person in any manner connected with the office?

A.—There has not. There have been no foreign miners' licenses dis-

posed of to my knowledge in any other way than that provided for by law.

Q.—According to the best of your knowledge, information, and belief, has there ever been collected by any person connected with the office, or by the consent or connivance of any person connected with the office, for any official act, papers, or services, any money whatever, other than the fee of five dollars paid for the certificate given to the insurance companies on compliance with the law, and which has been paid into the State Treasury?

A.—You are speaking now of my whole connection with the office?

Q.—Your whole connection with the office, excepting, of course, the compensation which each one has received from the public Treasury, duly audited?

A.—Well, I will make an explanation, then, in regard to that. During Doctor Warren's term of office he authorized me and the Clerks to charge a small fee of twenty-five cents for filing powers of attorney (I say he authorized me—directed me to do it,) which was unauthorized by law, but was collected in most instances. That is one instance in which money was received contrary to law. During Mr. Oulton's term of office I have never known one cent to be received in the office, except by the authority of law, by any person. The five dollars for insurance companies' certificates is the only money, I believe, that I have ever known to be received in the office, and it is paid into the Treasury by him. I have never known a cent to be received by any person connected with the office during his administration.

Q.—Previous to his term, were there any other collections made, except in the instances which you have mentioned?

A.—No, Sir.

Q.—(By Mr. Oulton)—Let me refresh your memory. Was it not the custom to charge a fee for filing bonds of insurance companies, which you told me of, and I ordered and directed you to discontinue the charge?

A.—Yes, Sir; I had forgotten that for the moment. That was another instance in which Doctor Warren required fees to be paid which were not authorized by law.

Q.—(By Mr. Hawes)—I understand you to say that you have never collected it since Mr. Oulton's term of office?

A.—No, Sir; it was discontinued after he took the office?

Q.—You can state now if any other money was received during Mr. Warren's administration, than in the instances you have mentioned. Let us have the whole of it, now. If there were any other instances in which money was received for the sale of anything, by any person connected with the office during Mr. Warren's administration, let us know it?

A.—Doctor Warren authorized, not me, but a Clerk by the name of Pixley, who was then here, to sell stamps—internal revenue stamps. When that law came into operation, he authorized him to sell the United States internal revenue stamps, and make anything he could. The stamps were to be placed upon powers of attorney that were brought here. People who brought them would come here in nine cases out of ten, perhaps, with no revenue stamps, and Mr. Pixley applied for permission to sell the stamps, and Doctor Warren authorized him to do so. The money was not received for the benefit of any one but Mr. Pixley. It was not exactly connected with the office, but he was authorized to sell them in the office. His profit was made in buying the stamps for greenbacks, and selling them for coin. I cannot think

of any other instance in which money was received without authority of law. If my memory were refreshed, I might recollect; but I cannot think now of any instances other than I have stated in which he received money, to my knowledge, without authority of law. In the instance which I have mentioned, in regard to stamps, I received the money myself in a great many cases. I will add to that, that at the present time, Mr. Oulton authorizes stamps to be kept here, for use on powers of attorney, and they are sold at the same price that is paid for them, and they are placed on the powers of attorney here.

Q.—They are kept merely for convenience, to be used in the office?

A.—Merely for convenience; we sell, perhaps, a half a dozen in a month.

Q.—During all the time that you have been in the Controller's office, or at any other time, have there been, according to the best of your knowledge, information, or belief, any foreign miners' license receipts, bearing the Controller's name or signature, surreptitiously abstracted from the office?

A.—There has not.

Q.—Is there any further information that you can communicate to the committee on this subject, that would be material, in addition to what you have already stated?

A.—No, Sir; I cannot think of anything more that would be material.

EDWARD M. HOWISON.

Edward M. Howison, being duly sworn, deposes and says, that he has heard read the above and foregoing ten pages of testimony, given by him before the Investigating Committee, and the same is correct.

EDWARD M. HOWISON.

Subscribed and sworn to before me, this twenty-fourth day of February, A. D. eighteen hundred and sixty-six.

WILLIAM HOLDEN,  
Of the Committee.

## TESTIMONY OF JOHN E. DENT.

MONDAY, February 5th, 1866.

John E. Dent, being duly sworn, testified as follows:

Q.—(By Mr. Hawes)—State whether you are employed in the Controller's office, in what capacity, and how long you have been connected with the office?

A.—I am employed in the Controller's office, in the capacity of Clerk, generally speaking, particularly as a bookkeeper. I have been so employed since Mr. Oulton's term first began, on the tenth day of December, eighteen hundred and sixty-three.

Q.—When Mr. Oulton's term commenced?

A.—He took charge of the office on the tenth day of December, eighteen hundred and sixty-three—or the ninth, it was, I believe; no, I think it was on the tenth.

Q.—Do you make the entries of the various accounts of the County Treasurers?

A.—It is my duty, on settlements of the accounts of County Treasurers, to make an entry upon the books in detail; in other words, I copy the settlement in full upon the journal, as made by the Auditing Clerk, and also enter the receipts of the State Treasurer for moneys received at those settlements.

Q.—Whose duty is it to examine and take account of the returned foreign miners' licenses?

A.—The duty devolves upon the Auditing Clerk and the Deputy Controller together.

Q.—I will call your attention to some statements that have been made in the newspapers to the effect that foreign miners' license receipts could be purchased at fifty cents apiece. Have you any knowledge or information on that subject that you can communicate to the committee?

A.—I have no further knowledge than that contained in the newspaper reports that have been published from time to time.

Q.—According to the best of your knowledge, information, and belief, have any such licenses or receipts been abstracted from the office surreptitiously at any time during your connection with it, or at any other time?

A.—There has not to my knowledge or belief.

Q.—Or, according to the best of your knowledge, information, and belief, have there been any of those licenses sold, directly or indirectly, by any person connected with the office, or by the connivance of any person connected with the office, for fifty cents apiece, or for any price or consideration whatever?

A.—There has not.

Q.—Or, have any been suffered to go out except in the mode prescribed by law, on the order of the County Treasurers?

A.—I will answer to that—there has not, to my knowledge, information, or belief.

Q.—During the time you have been connected with the office, or during any part of Mr. Oulton's term, has there ever been collected, on any account, any moneys, by any person connected with the office, with the exception of this fee paid by the insurance companies that has already been referred to?

A.—I have no knowledge of any, except money that has been paid for this fee, and a few times for stamps placed on powers of attorney.

Q.—During Mr. Oulton's term?

A.—Yes, Sir; from parties who have been into the office; when they have come there with powers of attorney not properly stamped, parties have been furnished there with stamps—the Government stamps.

Q.—Who has sold those stamps?

A.—Well, Mr. Howison has—a few; I think Mr. Oulton himself has sold a few, perhaps; I have myself in one or two instances, perhaps; I have given parties the stamps and taken the money; they were there in the drawer.

Q.—Were those stamps that were used at the time in the office to be placed on documents which were not properly stamped, or were they to be taken away?

A.—Yes, Sir; they were to be left here and filed with the vouchers.

Q.—I understand you to say that the instances in which any stamps were sold is confined to cases where they were wanted to be placed upon instruments to be filed in the office, and which had not the necessary stamps upon them?

A.—Yes, Sir; that is what I stated. I know of no instance in which

instruments were taken from the office upon which these stamps were placed; they were disposed of for that purpose in the office.

Q.—Have you any knowledge or information, other than what you have already communicated, that would be of material service in this investigation pending before the committee?

A.—I think of none, Sir.

John E. Dent, being duly sworn, deposes and says, that he has heard read the above and foregoing six pages of testimony given by him before the Investigating Committee, and the same is correct.

JOHN E. DENT.

Sworn and subscribed before me this twenty-fourth day of February, A. D. eighteen hundred and sixty-six.

WM. HOLDEN,  
Of the Committee.

## TESTIMONY OF GEORGE OULTON.

MONDAY, February 5th, 1866.

George Oulton, being duly sworn, testified as follows:

Q.—(*By Mr. Hawes*)—Your attention has of course been very particularly directed to the charges made in certain newspapers to the effect that foreign miners' license receipts could be procured at fifty cents apiece, and other charges of fraud in relation to the issuance and sale of foreign miners' licenses?

A.—It has.

Q.—The committee desire that you should give now, in the first place, such explanation as you think proper on that subject.

A.—When I took office as Controller, in December, eighteen hundred and sixty-three, I immediately instituted inquiries into the manner in which business had been done in the office prior to that time, and I found that the license accounts—foreign miners' license account, State and county license account, and military and State poll tax account—had never been kept in such a way as to ascertain whether or not the Treasurers had accounted for the full number of receipts and licenses received from this office. I immediately addressed letters to the several County Treasurers, requesting them to return all blanks, of all kinds, that they had on hand, except State poll tax receipts for that year—which year would end the first of March, the year I took office—to return them to this office. I think nearly every County Treasurer in the State, if not every one, returned a great many old blanks, some of them running back as far as eighteen hundred and fifty-six and eighteen hundred and fifty-seven, and some of a more recent date. I destroyed those. I also required the Treasurers when they returned those blanks, to make a statement to me of the amount of money they had on hand received from the sale of licenses and poll tax receipts of the different kinds. They did that. I made memoranda of the amounts of money that they reported on hand, on their accounts; and when they made their next settlement with the Controller, and paid the money in their hands belonging to the State to the State Treasurer, I credited them on their old account—that is, the account kept with them prior to my coming

into office—with the amount of money they reported on hand at the time they made this statement, and also the amount of blanks they returned. Immediately on the return of those old blanks and licenses I issued others from this office, charging them on the new account; and in that way I got a starting point with the County Treasurers, and from that time to this they have always accounted with the money and licenses returned for the licenses and receipts received from this office, balancing their accounts at the close of their respective license and revenue years.

The office is divided into three departments. There is the License Department, which comprises the foreign miners' licenses, State and county licenses, and State and military poll tax receipts. The business of that portion of the office is performed by Mr. Perley, the Deputy Controller, Mr. Fuller, and Mr. Frink, with some occasional assistance from myself in the way of sending out blanks—that is, doing them up, directing them, making out invoices, and receipts for them—the receipts to be returned by the County Treasurers.

There is the Auditing Department, where the Controller's warrants are filled out, issued, and delivered, and where the settlements with the County Treasurers are made. What I mean by the settlements of the County Treasurers is, when they come to pay over to the State the money that is in their hands belonging to the State. We then examine his accounts, to ascertain how much money he has received, by the Auditor's report, deducting his commissions. After making all the allowances for Assessor's and Auditor's salaries, and such other as are allowed by law, then we apportion the money he reports to the different funds to which it belongs in the State Treasury, and give him an order on the State Treasurer to pay it into the Treasury; and also give him his final discharge when he produces the State Treasurer's receipt for the amount of money that we have found to be due to the State from the county, as per Auditor's report, which he produces on settlement. This duty is always performed by Mr. Howison and myself, with this exception, that when the Auditor's report contains moneys received for foreign miners' licenses, State and county licenses, or State and military poll tax receipts, the Auditor's report, together with the abstract statement that he is required to make, I think under section one hundred and three of the revenue law, are submitted to Mr. Perley. Mr. Perley goes to the license books, and, if he finds that the Auditor's report accounts for money enough, and the abstract statement agrees with it, and is correct, he informs us of the fact before we make the settlement. We hand him the papers, asking him to examine them, and compare them with the account, and, if he finds them correct, he returns them with the statement that they are correct; if he finds them incorrect, he advises me of the inaccuracy, the settlement is delayed, and I immediately write to the Treasurer describing the inaccuracy and requesting its correction.

The Bookkeeper's Department of the office is managed by Mr. Dent; he opens an account on the books with every party who has any dealings with the State, County Treasurers, members of the Legislature, State officers, or any party who pays any money into the State Treasury, or draws any therefrom. He also keeps the account of the appropriations made by the Legislature for different purposes on the books, so that we know at any time whether the full amount appropriated has been drawn. This is the bookkeeper's department; and, owing to the number of soldiers in the service having business with the State, and the amount of the swamp land claims during the last two years, it has been very onerous. I think, perhaps, our books will show for the last fiscal

year, ending June thirtieth, eighteen hundred and sixty-five, accounts opened with as many as twelve thousand different parties.

The foreign miners' license receipts are signed by Mr. Perley, that is, he signs my name to them under express authority from me. And he also signs my name to the State and county licenses; but on the State and county licenses he signs his own name, also, as Deputy Controller. Mr. Fuller signs my name to the State and military poll tax receipts, under express authority to do so. The authority to sign my name, without affixing theirs to it, was given to them because it was found to be absolutely impossible to write the name and put their own under it so many times as is found necessary in order to keep up with the business. That is, the number of licenses and military poll tax receipts issued from the office is so great that, together with the other duties performed by those Clerks, it would be impossible for them, during the year, to write my name and their own too to all the blanks required to be signed. I will state here that I presume for the last year and a half we have written, on an average, ten hours a day, in the office, in order to keep up the business.

In relation to the charge made that foreign miners' licenses can be procured, regularly signed by the Controller, for fifty cents apiece, or any other price, I can only say that I do not believe that charge. I know that none have ever been sent out with my knowledge, consent, connivance, or privity, or by myself. I firmly believe that none have ever been issued, except to the County Treasurers, in the manner prescribed by law, (and the receipts of which Treasurers we have on file in the office,) by my Clerks or by anybody who has had access to the office during my administration of it.

I will state further, although it may indicate a want of research on my part, that the idea or thought that the State revenue could be defrauded by procuring foreign miners' licenses in this manner, never occurred to me. I think the thought never entered my mind until I heard through the Governor that a communication had been sent to the editors of the *Union* here, from Trinity county, last November, stating that such was the case—that frauds were practiced upon the revenue in that way. Immediately that I was advised of that communication having been sent to the proprietors of the *Union*, I employed Mr. Chadbourne—J. Chadbourne, I believe his name is—a lawyer now doing business in San Francisco, but formerly a resident of Weaverville, Trinity county, to proceed to Trinity County and ascertain, if possible, if there were any fraudulent licenses in circulation there, or if the revenues of the State and county were being defrauded in any way by the Tax Collector. I gave him a statement of all the foreign miners' licenses that have been issued to that county since I took the office of Controller, together with the last lot that had been issued to the Treasurer of Trinity County by my predecessor, Mr. Warren. I also gave him copies of the Treasurer of Trinity County's receipts, on file in this office, together with a copy of the foreign miners' license issued from this office during the year eighteen hundred and sixty-four and the year eighteen hundred and sixty-five. These copies of the licenses I gave him were defaced by writing across their face in red ink: "This blank license is given to Mr. Chadbourne for the purpose of enabling him to detect any fraudulent ones that may be in circulation in Trinity or any other county in this State." In addition to those papers, I gave Mr. Chadbourne a letter of instructions, and also a power to use my name as Controller, to commence suit against any party that he might find to be defrauding the

revenue in any way. Mr. Chadbourne went to Trinity County and remained there, I think, a month, or a little over. He corresponded with me when he was there. His letters, with the exception of one marked "private," I have already given to the committee. That one I have shown to the committee, but inasmuch as it was marked "private," I did not give it into their hands, because I suppose those letters will be placed on file in the Secretary of State's office. The letter is marked "private," but the committee is perfectly welcome to read it for any purpose they may wish to make of it, as they have already done; but I have not filed it with them for the reason, as I say, that it is marked "private."

Mr. Chadbourne informed me on his return that he was unable to discover anything tangible, either in the way of allegation or proof, during his investigations in Trinity County. He informed me, however, that the belief was quite general there that the Collector was practicing fraud, and that also, after the publication of Mr. Williams' letter in the *Examiner*, the belief was entertained by some that the Collector received fraudulent licenses, either from the Controller's office or from some other source. I paid Mr. Chadbourne two hundred and fifty dollars for his services up there, although nothing came of it. With regard to the history of the matter since I requested the Governor to transmit a message to the Legislature, asking for the appointment of the committee, it is familiar to you, and I do not think it of importance to go over it.

I will state that since I have been in the office, I have endeavored to discharge the duties of Controller with all the fidelity and all the ability I possessed; that, so far as I know, I have done it faithfully; that I have never been privy in any way to the issuance of foreign miners' licenses, or other paper, by which the State, or any individual in the State, could be defrauded of a cent; that I have never received a cent of money but salary for any purpose whatever, except the five dollars for certificates of insurance companies, given to agents of insurance companies that have complied with the law authorizing them to do business. That fee I have paid into the State Treasury, although the law does not state whether the Controller shall retain it or it shall be paid into the State Treasury. I have also received twenty-five cents, at each time, for the necessary revenue stamps given to parties to affix to powers of attorney—parties who came to the office without stamped powers of attorney. They had some business to transact with the office—to draw a warrant for some other party, generally—they brought a power of attorney, and that was generally without a stamp. For their convenience, to prevent them from being obliged to go down town to purchase one, I kept a few internal revenue stamps in the office, and twenty-five cent or fifty cent stamps, as the case may be, have been given to parties to affix to powers of attorney, in the office. I will state that the whole number of stamps I have purchased for this purpose, from the Collector of Internal Revenue in this city, was ten dollars' worth; and I cannot now tell, without looking, whether all of them have been sold or not. The money collected was not for my own use, but only to reimburse me for the money which I had paid for the stamps to the United States Internal Revenue Collector, and the stamps were kept solely for convenience.

There is no money authorized by law to be paid to the Controller, except the fee of five dollars for the certificate given to the agents of insurance companies, as already stated, and none has been paid to me or received by me, since I have been Controller, or to any person connected with the office, or by their connivance, so far as I know. The foreign miners' licenses, as well as all other blanks that have been signed by me

or my deputy whom I authorize to sign them, have been kept carefully under lock and key, in the most secure place in the office, since my term. When any licenses or blanks have been returned by the County Treasurers at the close of their respective license or revenue years, they have been immediately destroyed by my deputy or by myself—I think always by my deputy, though in my presence; and after they were torn up they have been burned, either in the stove in the office or on the street in front of the Capitol, under the immediate supervision of my deputy or myself. I think there is not a single exception to this case, except the foreign miners' licenses returned by the Treasurer of Trinity County during the month of December, eighteen hundred and sixty-five, which licenses I still have in my possession. I reserved those licenses returned by the Treasurer of Trinity County in the month of December last—I think four hundred and eighteen was the number returned—because some of them were signed by the Tax Collector, and the name "John China" written on them. The licenses do not look to me as though they had ever been used in any way; neither is the day of the month written in them. I immediately wrote a letter to the Auditor of the county, asking him to explain the appearance of those licenses. He wrote me a lengthy communication. Both my letter to the Auditor and his communication to me, I will submit to the committee, or provide certified copies of them, as the committee may desire.

Q.—State whether any of those which you accepted at any time—the ones in which the name was inserted, such as John Chinaman or John China, and signed by the Collector—appeared to have been folded, or were soiled, or otherwise bore any evidence to lead you to suspect that they have ever been actually used, or sold and issued by the Collector?

A.—They have never been folded, have not been soiled, the day of the month has not been written in them, neither is there anything in their appearance to indicate that they have ever been sold by the Collector, or received by the Chinamen. I will state further that it very often happens when foreign miners' licenses are returned to the office by the Treasurers, or State or military poll tax receipts, that there are a few among them, a very few, filled out with some name. Accompanying those, and generally written on the back of the license itself, is an explanation or affidavit from the Collector who filled them out, assigning the reasons why they were not delivered, that the party for whom they were filled out could not be found, or had paid his tax, or was exempt from the tax, as is the case with members of militia companies in the case of State poll tax—I believe members of the State militia are not required to pay the State poll tax. It is represented to me by Tax Collectors, too, that it is very often difficult to catch Chinamen; that they dodge, or get out of sight when approached by the Collector; and it is the custom of Collectors to have the names of the Chinamen whom he knows in any particular district written beforehand. It is the custom to fill out the licenses with the names of the Chinamen whom he expects to meet and collect from that day, in the morning; and sometimes the license so filled out is not sold, because the Chinaman is not found, or had left the mining camp where he had mined the month before.

Q.—It has been already stated that foreign miners' license receipts are numbered in the office consecutively from the beginning to the end of the license year. Has there, so far as your knowledge extends, ever been any of these numbered receipts missing, and not accounted for by the entries in the proper books in the office?



A.—No, Sir; never, to my knowledge. I will state further, that it would be impossible for any number of the licenses to be abstracted or missed in any way without the discovery being made immediately that we sent out licenses to County Treasurers.

Q.—There are, however, always quite a large number on hand of licenses signed but not numbered, are there not?

A.—Yes, Sir; a considerable number.

Q.—Those might be taken, I presume, if not properly locked up or safely secured, without detection—they might be abstracted in small numbers without detection?

A.—Yes, Sir; they might be taken in small numbers without detection, but in very small numbers. They are kept locked in hardwood cases, with the best four tumbler locks that I can procure in the city, at all times when the Clerks or myself are not in the office. No one, to my knowledge, has access to the office at other than office hours, or ever had, except the porter, the Clerks, and myself. I will state further that for a year or fifteen months—from June or July, eighteen hundred and sixty-four, until August or September, (I may be incorrect as to the exact period of time,) in eighteen hundred and sixty-five, there was a military guard detailed to watch the Capitol. They always came on duty here before we left the office in the evening, and remained until after daylight the next morning. Their room was immediately under this office, in the basement of the building. One of them patrolled the sidewalk in front of the building here during the evening and the night, and the other the sidewalk running alongside the building, in front of the Treasurer's office. They were very particular to let no person go into the yard, or come into the Capitol building after they went on duty, except those whom they knew to be connected with the Secretary of State's office, the Treasurer's office, and my own.

Q.—For how long a period was this guard kept up?

A.—My recollection is it was kept up for over a year.

Q.—During what time?

A.—From the summer of eighteen hundred and sixty-four to the summer of eighteen hundred and sixty-five—during the entire winter of eighteen hundred and sixty-four and eighteen hundred and sixty-five.

Q.—Did you ever run over the books since these publications commenced, in order to see whether the entries show all the numbers, consecutively, of these licenses that have been sent out?

A.—I have.

Q.—Are they all complete?

A.—All complete, Sir.

Q.—And none missing?

A.—Not one.

Q.—So that it would be absolutely certain, then, that none of the numbered licenses could have been abstracted?

A.—Yes, Sir; it is impossible for the numbered licenses to be abstracted without our detecting it.

Q.—(By Mr. Hansbrow)—Upon the first application for licenses?

A.—Yes, Sir.

Q.—(By Mr. Hawes)—So far as your knowledge, information, and belief extends, have any licenses signed and not numbered been abstracted?

A.—They have not so far as my knowledge, information, and belief extends; I feel very confident that they have not.

Q.—Do you speak of your own term, or the whole?

A.—My own term; of course I cannot speak of the term of any other Controller. I speak of my own term.

Q.—Have you any knowledge or information that any were abstracted at any other time than during your own term?

A.—I have not. As I stated to the committee while you (Mr. Hawes) were out, the thought that frauds could have been committed upon the revenue by the abstraction of foreign miners' licenses, poll tax receipts, or other licenses, never entered my mind until I heard that a communication had been sent to the *Sacramento Union* setting forth the fact that they had been procured with the Controller's signature. All the care that I ever exercised prior to that time in keeping the account of the special number of blanks that came into the office from the State Printer's office, was to ascertain whether or not he furnished as many blanks as the State paid for; that was done by counting a portion of the number when he delivered them, and computing the balance by measurement, and also by keeping an account of the particular number placed upon the first one of any lot of licenses received from the State Printer, and also taking an account of the last number put upon the last one numbered; by that means the number of licenses was ascertained very nearly; but the licenses always fell somewhat short, and that is accounted for in this way: While the Clerks are signing them, they often make a bad signature, or blot a license, and they then tear the sheet up and destroy it; sometimes in numbering, though rarely, the Clerk makes a mistake in the number, and then he has to destroy that sheet. It is also the practice with the printers that they only give nine hundred and sixty sheets for a thousand; they count by quires, or reams, in that way giving four hundred and eighty for five hundred, and nine hundred and sixty for a thousand, so that we always lose four per cent in the number.

Q.—Have you any further information to communicate to the committee that would be of material service to the State?

A.—None that I know of, unless the means by which I procured a letter that I gave the committee sometime ago would be of value to them.

Q.—Please go on and state?

A.—I refer now to the letter written by Cornelius Brown to J. W. Garden, Tax Collector of Shasta County. Mr. Tracy, Treasurer of Shasta County, was down here sometime in December, and informed me that the evening before he left he had heard that Mr. Garden, the Tax Collector of that county, had received a mysterious letter from some person in Sacramento; that Mr. Garden supposed when he received it that it related to some lottery or gift enterprise, or some swindling scheme of that nature, and paid no attention to it, and he was unable to find it before Mr. Tracy left the next morning, but he assured Mr. Tracy that he would discover it if possible. I urged Mr. Tracy upon his return to procure the letter and forward it to me, and in the event that Mr. Garden had lost it, to take the substance of what it contained in writing, according to the best of Mr. Garden's recollection, have it sworn to, and send it down here. Before Mr. Tracy returned the Legislature adjourned over for the holidays. Mr. Chappell, member of the Assembly from that county, went up, I think, to bring his family down, and while there procured the letter from Mr. Garden and brought it down to me. Immediately on showing me the letter, I went with Mr. Chappell to the Chairman of this committee, Mr. Hawes, and gave him the letter. I will state that Brown, the writer of this letter, was a mulatto whom I found performing the duties of porter in this office when I took it. Mr. Warren told me that he was a very competent and attentive porter, and if I had

no other person in view, he thought, inasmuch as he knew how to take care of the office, he would suit me as well as anybody else. I had nobody that I cared to offer the place to—it was not one of any value, specially, the salary was small—and Brown continued to take care of the office, cleaning it up, and building the fire, before we came to it, for a little over five months after the commencement of my term. I will state that Brown came to the office, cleaned it up, dusted it, built a fire, and was gone before I myself or any of the Clerks came to the office. We always found the office in good order, and a fire built when we came; and during the time that Brown was the porter, I do not think I saw him over half a dozen times. He seldom came to the office during the day, except early in the morning to prepare it for business. After the adjournment of the Legislature that year I dismissed Brown, and gave the position to a colored man named William McCoy, who has been porter ever since. I dismissed Brown purely out of sympathy for McCoy; he was unwell, nothing to do, and the small amount he would get for taking care of the office I thought would be of some benefit to him; and Brown's appearance was such that I thought he could better do without the sixteen dollars per month than McCoy could, and in the event that he was at any time out of employment he could find it more easily.

Q.—(By Mr. Holden)—Have you any knowledge where Brown is now?

A.—None in the world. I will state that I understand Brown has left the city, and I have been told that he has left the State; but I will say that he has left without my knowledge, without my connivance, and without obtaining any information, hint, or assistance from me, or from any one in the office, so far as I know, or from any person, with my knowledge or consent.

Q.—(By Mr. Hawes)—Perhaps you may as well state here, in continuation, what measures were taken by yourself, and me, as Chairman of this committee, to detect and prevent the escape of Brown?

A.—I think it was the afternoon of the day that Mr. Chappell brought me Brown's letter, that I urged the committee to have a meeting, to call Brown before them, and examine him thoroughly as to the meaning of his letter, and what knowledge he possessed of the charge that fraudulent foreign miners' licenses could be procured. The committee had a meeting that afternoon, in this room, examined Mr. Brown very carefully, and after his examination, the Chairman of the committee and myself consulted as to the ability of either of us to make an affidavit that would procure his arrest. We came to the conclusion that we had no information to warrant his arrest, and we immediately went down to the office of the Chief of Police of this city, gave him a brief statement of the case, exhibited, I think, Mr. Brown's letter, to him, and requested him to put a detective upon Brown's track, and see if he could learn anything further in relation to the matter, and also, if possible, to prevent Brown's escaping from the city. A member of the police force has met me on the street on two or three occasions since then, immediately following that request, and told me he was on Brown's track. He told me one day that Brown had gone down to the boat, and asked me if he would arrest him. I told him to go down, and if Brown attempted to leave on the boat, to stop him. I saw him either that afternoon or the next day, and he told me that he did as I requested, and Brown made no attempt or appearance of an attempt to leave on the boat, so he did not arrest him. Since then I have had no communication with any member of the police force in relation to the matter. I will state that this circumstance of a policeman coming to me and telling me that Brown had gone down

to the boat, occurred a very few days after we put the police on his track, and I think I have seen Brown around here a week or two after that statement of the policeman to me.

Q.—State whether yourself and the committee were extremely anxious to procure the necessary proof by which they could have Brown arrested, and failed to obtain it.

A.—I was, and it is my belief that the committee was extremely anxious. I will state, further, that the Chairman of the committee and myself thought that when Mr. Williams, the writer of the article that appeared in the *Examiner*, came down here, we might be able to obtain some information that would either relieve Brown of suspicion, or fasten the matter upon him so thoroughly that he could be arrested. I believe he summoned Mr. Williams to appear here about the middle of January, but he failed to make his appearance at that time—so I have been informed. Had he appeared at that time, it would have been, in my opinion, prior to the time that Brown left the city, and if he had had any information upon which we could have based a warrant for the arrest of Brown, Brown could have been arrested.

I will state further that there is nothing that occurs to my mind now which is within my own knowledge or information—either positive or informal information—that will enable the committee to arrive at any conclusion. I will also state that if it is the desire of the committee, although appointed simply to investigate into this charge of fraud, to examine into all the minutiae of the manner in which business is conducted in the office, I shall be very glad to give them any information in my power on that point. I have endeavored to manage all the business of the office with as much care and particularity as I have always managed my own private business before I came into the office, and I think it has been conducted with as much care, prudence, and economy as I ever knew the business of any public office or private establishment to be conducted with. This is simply my own opinion; it is the result that I have aimed at in my official capacity.

## TESTIMONY OF GEORGE OULTON.

WEDNESDAY, February 21st, 1866.

George Oulton, (recalled,) testified as follows:

Q.—(By Mr. Holden)—What disposition has been made of the licenses that you have received from the State Printer?

A.—I have prepared a memorandum which I will write out and hand the Reporter, showing the number received during the year commencing November ninth, eighteen hundred and sixty-three, and each year since, and the disposal made of them. During the first year I received one hundred and fifty-five thousand from the printer, and there were one hundred and twenty-three thousand four hundred sent to County Treasurers, of which nineteen thousand were returned by them during that year—that was the year eighteen hundred and sixty three, and eighteen hundred and sixty-four. During the year eighteen hundred and sixty-four and eighteen hundred and sixty-five I received one hundred and twenty thousand from the State Printer, and there were ninety-



nine thousand three hundred sent out. I will here state that the State Printer prints by quires, so that there is always a loss of just four per cent. Then, in signing them, the Clerks often make bad figures or blots, and then the sheet of five is torn up, because we never send out less than full sheets. Then, in numbering them, some are destroyed in the same way, so that there is a loss of six or seven per cent for waste, in signing and numbering. Then, at the close of the year, we have some on hand ready to send out when ordered, and they are destroyed because they have not been wanted. If the committee will look into the cases, I will show the way in which the military and State poll taxes are kept and arranged. For the present year one hundred thousand foreign miners' licenses have been ordered to be printed, and thirty thousand nine hundred have been sent out up to this time. There have only three months of the year elapsed, and the licenses are yet to be sent out for nine months; the balance will be sent out during the year as they are called for.

[The memorandum referred to in the foregoing answer, is hereto annexed as a part of the testimony of the witness, marked "Exhibit A, Oulton."]

George Oulton being duly sworn, deposes and says, that he has read the above and foregoing thirty-six pages of testimony given by him before the Investigating Committee, and the same is correct.

GEORGE OULTON.

Subscribed and sworn to before me, this twenty-fourth of February, eighteen hundred and sixty-six.

WILLIAM HOLDEN,  
Of the Committee.

[Exhibit "A"—Oulton.]

MEMORANDUM of foreign miners' licenses received by the Controller from the State Printer, and disposal made of the same.

<i>Foreign miners' licenses, year commencing November 9th, 1863.</i>	
Number of licenses ordered and received from State Printer..	155,000
Deduct ten per cent—four per cent for loss on printer's count, (960 for 1,000)—and six per cent for waste in signing and numbering in Controller's office .....	15,500
Net .....	139,500
Number sent to County Treasurers during that year	123,400
Number destroyed in Controller's office at close of year, signed but not ordered by County Treasurers	16,100
Total.....	139,500

MEMORANDUM—Continued.

<i>Foreign miners' licenses, year commencing November 14th, 1864.</i>	
Number of licenses received from State Printer.....	120,000
Deduct ten per cent as above.....	12,000
Net .....	108,000
Number of licenses issued to County Treasurers by Controller.....	99,300
Number destroyed by Controller at end of license year.....	8,700
Total.....	108,000
<i>Foreign miners' licenses, year commencing November 13th, 1865.</i>	
Number of licenses received from State Printer.....	100,000
Deduct ten per cent as above.....	10,000
Net .....	90,000
Number issued to County Treasurers by the Controller .....	30,900
Number on hand.....	59,100
Total.....	90,000

[Exhibit "M."]

OFFICE OF CONTROLLER OF STATE,  
Sacramento, Cal., December 15th, 1865. }

A. J. LOOMIS,  
Auditor of Trinity County:

DEAR SIR:—The package of foreign miners' licenses of last year's issue this day returned by your Treasurer, was made up principally of licenses signed by the Collector, and filled out with the names of Chinamen. This looks very much as if they had been issued once and collected in again—perhaps when the license of the succeeding month was issued; and as the licenses are issued by you to the Collector, and the balance of licenses unsold by him returned to you, will you please give some explanation of the unusual appearance of those blanks?

I notice, also, that the names of the months in which licenses are issued look as if they were written by the same person who filled out the remainder of the blank, and not by yourself, as the law requires. I may be mistaken in this, but the appearance of the licenses returned leads to this conclusion.

There is another feature in those licenses, too, to which the attention of your Collector should be directed, viz: filling out licenses "John China," instead of giving the name of the party to whom issued, as the law imperatively requires. I know it is difficult in some cases to ascertain the real names of Chinamen, but an effort should be made to approximate them. The name "John China" is altogether too general.

Let me urge upon you and your District Attorney the importance of preventing any practices by revenue officers of your county that are not strictly regular and legal.

Respectfully, &c.,  
GEORGE OULTON,  
Controller.

[A true copy of the original.—GEORGE OULTON, Controller.]

[Exhibit "N."]

AUDITOR'S OFFICE, TRINITY COUNTY, CAL., }  
Weaverville, December 22d, 1865. }

Honorable GEORGE OULTON,  
Controller of State:

DEAR SIR:—Yours of fifteenth instant, relative to foreign miners' licenses returned by the Treasurer of our county, received by the last mail, has commanded my immediate attention and early reply. I do not suppose for a moment that the licenses alluded to as having the appearance of once being sold and taken up by the succeeding month's issue, were ever really in the hands of Chinamen or sold by the Collector, since the succeeding month's licenses are not issued by me until the surplus in the Collector's hands from the preceding month's sales have been returned, and credited to the Collector. The fact that some returned were signed by the Collector, and filled "John China," had not been unobserved; but it was represented to me by the Collector that not unfrequently, for the purpose of facilitating collections, avoiding writing in the rain and at places and under circumstances on account of the weather, dodging and running of Chinamen, where it was almost impossible to write, licenses were filled up for the month before starting out, and when more have been filled than used, they have been returned. On inquiring, I have learned that this practice is not peculiar to the present Collector, but was customary with his predecessors; and predecessors of the Treasurer and myself permitted it, regarding it as not essentially irregular, for the reason already assigned, the returns of licenses being made before others were issued wholly precluding the idea that those returned could have been used.

In regard to the date and the name being in the same handwriting, I will say that in a few instances, for remote places in the county, totally inaccessible for months in the winter season when the snows are deep, I have issued a few licenses for use at those places by resident Deputy Collectors. When licenses are returned, I have generally closely examined them, and am very confident that none ever have been returned which I have not dated.

My reason for issuing them in the instances above stated is this, other-

wise no collections could be made from those places, and I believe that thereby a greater amount of revenue would be derived, and deeming thereby the true intent of the law to make all pay, without "dodging" or shirking, would be carried out. If it is deemed erroneous, I shall not again issue a single one, even for back licenses, without dating them. I shall call attention of the Collector to the erroneous practice of filling up blanks with "John China" before using them, and ask him to approximate to the name of the purchaser. The difficulty of the Collector doing this latter, however, must be obvious when not one Chinaman in fifty understands enough English to tell his name when asked.

I hope these explanations will prove satisfactory; at least I shall claim for them the merit of truth, even though the practice detailed be open to censure. The business connected with the collection of foreign miners' licenses had been systematized by the Auditors, Treasurers, and Collectors of this county, and probably in all the counties of the State, at an early day. I am not acquainted with the customs or practices in other counties—but, so far as I have learned my duties as performed by my predecessors, I have endeavored to perform them. A letter of instructions from you, the Attorney-General, or the District Attorney of our county, would be gratefully received. Your request of the District Attorney and myself to permit no practices not strictly legal and regular has my attention. A letter on the subject to our District Attorney would not be inappropriate from you. That improper practices may have been indulged in by officers of our county in relation to foreign miners' licenses, is not improbable; but they are not, within the knowledge of the Auditor, other than as above stated; and if they are, on his part, reprehensible, they have not resulted from improper motives. I shall be pleased to hear from you on this or any other particular branch of my duties, at any time, and hope you will write soon on the particular subject of this letter.

Yours, etc.,

(Signed:)

A. J. LOOMIS,  
Auditor of Trinity County, California.

[A true copy of the original now on file in my office.]

GEORGE OULTON, Controller.]

SACRAMENTO, February 6th, 1866.

[Exhibit "O."]

OFFICE OF CONTROLLER OF STATE,  
Sacramento, Cal., December 27th, 1865. }

A. J. LOOMIS,  
Auditor Trinity County:

DEAR SIR:—Yours of the twenty-second instant is before me, and as you request an answer to it, I will notice its receipt, although I see nothing in it requiring special attention.

The revenue law is so plain and explicit in its requirements as to need little explanation, and if county officers bring honesty of purpose to the

discharge of their duties, and read the law itself carefully, they cannot err in their official acts.

The case of sending licences to remote and inaccessible districts, which you cite, although exhibiting commendable zeal, cannot be a sufficient justification for issuing licenses in an imperfect manner, and I advise you to adhere to the strict requirements of the law.

Respectfully, etc.,

GEORGE OULTON,  
Controller.

[A true copy of the original.—GEORGE OULTON, Controller.]

# TESTIMONY OF L. D. WICKES.

MONDAY, February 5th, 1866.

L. D. Wickes, being duly sworn, testified as follows:

Q.—(*By Mr. Hawes*)—State where has been your residence, and what offices you have held in the county of your residence, heretofore?

A.—I reside in El Dorado County. I never held any office there except that of Deputy Tax Collector.

Q.—State the time when you were exercising the functions of that office?

A.—From the first of March, eighteen hundred and sixty-two, to the first of March, eighteen hundred and sixty-four.

Q.—Who was the Tax Collector under whom you performed those duties?

A.—James M. Reynolds.

Q.—Was it your duty to collect the foreign miners' license tax?

A.—It was, Sir.

Q.—We want to know if you have any knowledge or information respecting the collection, in that county or any other, of the foreign miners' license tax, from any person, without giving the receipt prescribed by law; and if you have, explain to the committee what knowledge or information you have on that subject?

A.—I never knew of any person in our county, nor have I positive knowledge of any other. I do not know of anything that I could swear to the effect that any taxes were collected without the license being given. I have seen some things that did not look right to me; at the same time, I had no positive knowledge that taxes were collected and licenses not given.

Q.—Explain further, if you please, what you mean by that?

A.—I once had occasion to suspect something. I found a party of Chinamen at work on the El Dorado side of the Middle Fork of the American. They were without receipts, with the exception of one receipt. There were nineteen of them. They told me they had paid the Collector—that is no evidence, you know—they told me they had paid the Collector twenty-two dollars the day before, and taken two receipts. A German—I forget his name—told me that he had lent them

twenty-two dollars to pay the Collector, and they said they had paid the Collector twenty-two dollars, and taken two receipts. There was only nineteen of them, and they said one had gone away, and had one receipt. I collected the other eighteen from them, for having caught them on my side. The only difficulty there was when I was collecting, was along the line of the Middle Fork—along the county line. The Chinamen would be dodging from side to side, in order to avoid the payment of the tax. We made an effort, the year we were collecting, to get the law changed, so that the two County Collectors might have the privilege of going together and getting the whole, and then dividing, or in some other manner avoid the constant moving from side to side when the Collectors came, to avoid the payment of the tax.

Q.—Can you give the committee any information respecting any frauds, or that would lead to the detection of any frauds, that may have been committed in other counties in the collection of this tax?

A.—If the law, as it is now in our county, were strictly complied with, I do not think it would be possible for many frauds to be committed. I do not know whether the Auditor is required to take the number of every license that he issues to the Collectors or not—to keep a record of every number of his licenses. Do you, Mr. Oulton?

Mr. Oulton.—I believe the law does not require him to keep a record of the numbers.

The Witness.—Well, the Controller of course keeps an account of the numbers, and the County Auditor, when he hands them to the Collector, I presume, makes a note of the number—whether one, two, or three hundred—and charges them to him. If I understand, this is for the purpose of detecting any frauds that may be committed by using the old licenses. If every Collector was charged with the licenses, and the number on the licenses that he took, and then was required to comply strictly with the law, returning every license taken up at the end of the month, and exchanging for new licenses again at the commencement of the next month, if fraud was being committed it could be detected.

Q.—(*By Mr. Hawes*)—I did not speak so much of the provisions of the law; my object is to inquire if you know of any facts, or have any information in your knowledge to communicate to the committee respecting frauds in different counties, or that would lead to the detection of any frauds?

A.—Well, if a person transacting that business saw where frauds had been committed—where they might have been committed, or probably had been—he nevertheless could not swear to it, perhaps. He might see some evidence of it on the papers, for instance, but not having investigated, he could not swear that there had been fraud committed.

Q.—It has been said that it is the practice, generally, to collect from Chinamen the tax for two months, and give them a receipt for only one—that is, the last month. Do you know anything about any such practice?

A.—No, I do not; I know about the condition of affairs in our county. From the knowledge I gained while in the office, and otherwise, I know it is the custom of all Chinamen, by bribery and otherwise, to enter into collusion, if possible, with every Collector; and the only way to prevent fraud is to have honest men to collect. I know it is the practice of Chinamen, in every case where they think it is possible, to bribe the Collector.

Q.—What propositions do they make—in what form do they present it?

A.—They will come to a Collector, and make the proposition in this

way. Suppose there are eighteen or twenty of them in one company; they say: "If you give me one license, I'll pay you forty, or fifty, or sixty dollars." They will do that as often as they get an opportunity; that is, they will make propositions of that kind.

Q.—Are there any other forms that they have proposed not in conformity with the law?

A.—Well, they might put it in a variety of forms, but that is the substance of it. They will propose to a Collector that if he will give them a certain amount of licenses, they will pay him so much money, they thereby saving part of their tax, and he making a certain amount of money by not issuing the full amount of their papers.

Q.—Have you any reason to believe that that has been done in any case?

A.—Well, I have no other evidence of it than Chinamen's word, which is not evidence in law, and the deficiencies of Collectors in certain parts of the country. In El Dorado County, the two years that we were collecting, I know that we were collecting and selling receipts for about double what they were the two years before, and I had every reason to believe and to know that there were less Chinamen at work in the county, and that the diggings were poorer than the two years before. Still I could not say there was any collusion between the Collectors and the Chinamen. Chinamen used to tell me how the old Collectors did it. Whether they told us in order to get us to do likewise—whether they told us lies, or told us the truth, I cannot say.

Q.—(By Mr. Holden)—Did any Tax Collector ever tell you or intimate to you that he had collected these taxes in such manner as to make money out of them more than is allowed by law?

A.—No, Sir; they never have; not any Tax Collector.

Q.—You said a little while ago that you had reason to believe fraud had been committed, or something to that effect. Have you any other reason than you have given?

A.—Nothing that I could give definitely; only that one case. I called the man's attention to it, and he got very angry. I told him in what shape I found the license—that it was incorrectly issued. I supposed it was a clerical error. It was issued in his own name—the only license I found in the camp there.

Q.—Did that one come from this office regularly issued?

A.—Yes, Sir; it was issued in Placer County. The license was all correct, but he had written his own name in the body of it, instead of the Chinaman's.

Q.—(By Mr. Hawes)—When you were collecting this tax you were constantly inspecting the receipts which the Chinamen held, I suppose?

A.—Always; we inspected every one.

Q.—Did you take particular notice of the handwriting of the number and the month, in order to ascertain if they were genuine?

A.—Always.

Q.—Would you have been able to detect them? Supposing blank licenses had been surreptitiously obtained from the Controller's office, where neither the number nor the county had been filled in, would such fraudulent papers have been easy of detection?

A.—I think they would.

Q.—Could they circulate to any great extent without being discovered.

A.—I do not think they could when I was collecting without being discovered. I asked every Chinaman to show his license; if he did not produce a license I collected from him, and if he did, I examined it for the

name of the county, and the signatures of one of the three deputies. I knew them, and also the signatures of the Controller and Auditor; and if they were properly filled up with the month, and the Auditor's and Controller's names, and the county, or some other county, then I recognized it—I mean by his signature, the Auditor's writing the month in.

Q.—Did you fill out your receipts in advance?

A.—Sometimes we filled out a part of them; that is, a part of the blanks we would fill up. The name and the date we filled up at the time of delivery.

Q.—You mean the Collector—yourself?

A.—Always. With the exception of one or two months, the Auditor authorized us to fill in the date. He wrote the county and the name of the month on, originally, and frequently we would find companies of Chinamen from whom, if we could fill in our dates, we could collect two months licenses, who had escaped the month before. For that reason, we filled in the month ourselves, and he authorized us to do it.

Q.—You collected for the two months; for the month for which you were collecting, and the preceding months, and the months were filled in by the Collector?

A.—Yes, Sir; sometimes they would escape for two months, and when we got them we would make them pay three months' license.

Q.—Did you give them three distinct and separate receipts?

A.—Three distinct and separate receipts, dated the first of each month; we always dated all our licenses on the first of each month.

Q.—You never collected any without giving the proper receipt for the month?

A.—We always gave it.

Q.—You saw no collections made without that requisite?

A.—No; I never did.

Q.—(By Mr. Holden)—Did you ever, in the examination of Chinamen's licenses, find the month or date marked over or changed?

A.—I never but once found any licenses that were incorrect in that respect. I think the second month I was collecting I found some old licenses on which the date was filled up with pencil marks. That is the only case.

Q.—Did they have the appearance of having been changed, or altered?

A.—Well, they had never been written in ink.

Q.—And they might have been written in pencil, and changed a dozen times, perhaps?

A.—Yes, Sir; they might have done it; it was against the law to fill them up with pencil. It was a company of Chinamen living in Dark Cañon, El Dorado County; they had licenses with the date filled up by pencil marks; they were given some months before I went into the office, by the Collector who preceded me. I took occasion to examine them in every camp the first and second months; I examined all the back licenses they had for some length of time back. The numbers, I know, were largely deficient of what they ought to have been. The licenses issued to the different companies amounted to only something about one half what they should have been—half what we issued, and found Chinamen to take.

— SACRAMENTO, March 6th, 1866.

Having read the above and foregoing fifteen pages of my testimony, as written out by the Reporter of the committee, I find it correct.

L. D. WICKES.

Read and signed in my presence, March sixth, eighteen hundred and sixty-six.

ANDREW J. MARSH,  
Clerk and Reporter of the Committee.

### TESTIMONY OF CHARLES E. WILLIAMS.

TUESDAY, February 6th, 1866.

Charles E. Williams, being duly sworn, testified as follows :

Q.—(By Mr. Hawes)—I will call your attention, Mr. Williams, to an article published in the San Francisco *Daily Examiner* of November twentieth, eighteen hundred and sixty-five, entitled "Foreign Miner's Licenses—Number One," and signed "Claude." Please state to the committee if you know who is the author of the article?

A.—I am, Sir. I will state the whole circumstances, if you wish.

Q.—I wish first to put one or two questions, in order that it may appear directly from the start what the subject is. It appears to be stated in that article that the Collectors of the foreign miners' license tax are able to procure, for fifty cents apiece, those licenses, regularly signed by the Controller, upon each of which they could realize a clear profit of three dollars and fifty cents; and an allusion is made to other irregularities and supposed frauds upon the revenue in connection with that subject. Will you be good enough to communicate to the committee all your knowledge and information upon the subject?

A.—The first information that I considered of a positive character in regard to these frauds, I obtained at Virginia City, Nevada Territory, in the year eighteen hundred and sixty-three; in the spring or summer of that year. I went to Virginia City in November, eighteen hundred and sixty-two, and left there in November, eighteen hundred and sixty-three. I was a member of the firm of Pitzer & Williams, attorneys and counsellors at law. While there, in the spring or summer—I won't be positive which—I met an acquaintance of mine, who some years ago was Deputy Sheriff in Trinity County, California. His name was George J. Love. We had a conversation about old matters and things in Trinity County, California, and he remarked, among other things, in one conversation that we had at our office, that the Controller's office in California was a "big thing," or a "good thing"—something of that sort. I told him I presumed it was, and he says: "They sell licenses all the time for about fifty cents apiece, as I have bought them myself." He told me the number that he had bought in this conversation, and how he obtained them. He said that the only thing that had to be done, was to give a carpet sack to a negro, and your order, and the licenses would be brought to your hotel, or room, and you had to pay the negro for them. He told me—I won't be positive about the number—but my impression is that he gave, he said, six hundred dollars for twelve hundred licenses, or twelve hundred dollars for twenty-four hundred licenses, I won't be positive which. It has been some years since. It made an impression on my mind, but I do not remember the price, for I did not at that time expect to return to California to live again. I did, however, return in the fall, or in November of eighteen hundred and sixty-three. During my stay in Nevada Territory, Mr.

Hines was elected Tax Collector of Trinity County. I went to Virginia City in November; I think it was the eighth or twelfth. Captain Messick went with me. I went in eighteen hundred and sixty-two, and staid until November, eighteen hundred and sixty-three. I made one journey back for a few weeks. I returned to Trinity County again, I think, about the first days of November, eighteen hundred and sixty-three. I have been residing in Trinity County since that time, never having left the county, I think, since my return, except on this trip. In the fall in which I returned to Trinity County, David Hines was elected Tax Collector of that county; he went into office in March, eighteen hundred and sixty-four. Before he went into office I met John B. May, who was a friend of Mr. Hines, in the canvass. He told me that he would get a deputyship, or had the promise of half of the office. He wanted some place to sleep—some room in the town. I told him I wanted a law office, and we could rent rooms together; he wanted a bed room, and we could rent rooms together. We did so; and a short time after we had engaged rooms, and moved into them, Mr. Hines, the Collector, came to me and asked me if I had any objections to his moving his desk into my office. Mr. May said he was promised the deputyship and half the office—that was the bargain—after paying the expenses of the canvass. I told Mr. Hines that I had no objection to his moving the desk into the office, and he moved it in sometime, I think, in May, eighteen hundred and sixty-four. During the summer I had a table there, and my drawers were frequently open. I found in my drawer a number of foreign miners' licenses filled up; I thought it was negligence, probably, on the part of May as deputy. And I must explain more about this deputyship. He was ostensibly a deputy merely; he accompanied Mr. Hines in his trips around the country, for the purpose of collecting these licenses, but he never swore into the office; no appointment was ever filed, and he was only the ostensible deputy of Mr. Hines. As I began to say, I found a number of these licenses in my drawer, and I thought they were left there by the negligence of some parties in the office; they had their desk there, and papers of some descriptions, and books there for a while. I remarked to Mr. May one day, that if he was not more careful about his licenses he would lose some money by leaving them around that way, and he said—"Oh, they are bogus licenses that have been sold once and paid for," and he said he had collected these up for the purpose of having some proof against Hines. He says "Hines promised me half of the office, after paying the expenses of the canvass, which he told me amounted to eight thousand dollars." It went on some months, and May told me that he began to be a little suspicious of Hines. He said that in the first place he told him the expenses of the canvass were eight thousand dollars, but latterly he had told him it was ten thousand dollars, and he had collected these licenses which had been once sold to be preserved as testimony against Hines in case he did not settle fairly. This was in the summer or fall of eighteen hundred and sixty-four—the time that I found these licenses in my drawer. I asked him if it was Oulton's signature on them; he said yes, they were genuine licenses of course, so far as the signatures went, and he got some genuine ones and compared them to satisfy me that it was Oulton's signature, and he told me how they were purchased; they were purchased by this negro, and came through him in the same manner that Love had told me in Virginia City about their prices. Soon after this, or sometime in December of that year, Mr. May and Mr. Hines had a sort of dissolution and settle-

ment of their matters, and May no longer acted in conjunction with him, in the office. He told me the number of licenses they had collected in different months. The first month they collected, he told me they collected thirty-two hundred dollars, (\$3,200,) which was eight hundred licenses. They returned that month to the Auditor of our county two hundred and eighty-one (281) licenses. I have in my hand a list which I got from the Auditor's and Treasurer's books of Trinity County. I concluded then that I would either try to stop it, or expose this matter, and I wrote an article upon this subject for publication in the *Trinity Journal*, a local paper in our county. I think it is dated—I will look; it is dated the twenty-fifth day of January, eighteen hundred and sixty-five.

Q.—Was it published?

A.—No, Sir; I gave it to the editor of that paper about the middle of the week. It is an original article. I presume it is not necessary to read it; it is about the same length as the one that was published. I gave it to the editor, and said I would like to have him publish it. It did not appear in the next issue, and I thought probably it had been handed in too late. I waited before I went to the editor again for another week. It did not appear, and I met Mr. Gordon, the editor, and told him I would like to get the article I had written. He told me I could get it at the office, and I went to the office and got it. He said a good many such articles had been handed to him, and that was the whole of the conversation we had. He gave no reasons for not publishing it, if he had any. I had talked a great deal about this matter in the county. Before the canvass in May—sometime in April, eighteen hundred and sixty-five—in a conversation at the Clerk's office in our county, among a number there were half a dozen men or more—the Sheriff, District Attorney, Clerk, and others—this matter was being discussed, and it was remarked in this crowd that there was no way to prevent it. I told the party that for a thousand dollars I would prevent it, if the Supervisors would employ me, and authorize me to do it. The Supervisors met in May, eighteen hundred and sixty-five, and my proposition was conveyed to them in my presence by the District Attorney. The matter was treated rather lightly by the Board, and nothing was done. The proposition was not accepted. About that time, or a little after, I concluded to run as an independent candidate for District Attorney in my county, and thought I would expose this matter upon the stump, and canvass upon that ground particularly. I was an independent candidate, but made no canvass; I was disappointed in raising the necessary means to make the canvass, and therefore did not. My name, however, was announced as a candidate for the office. After the election I concluded to prosecute this matter further. On the twenty-eighth of October—last October—I sent this "Claude" article, to which you referred me in the beginning of my testimony, to the *Sacramento Union*, with a request that it appear in their daily paper, and, if they thought proper, to publish the whole article or none. I had the article weighed, and inclosed postage stamps, with a further request that if they did not feel disposed to publish it, they would remit it. I waited a proper length of time to get the article from the editors, or see it appear. I did not hear from them, and I wrote again to the editors that I had inclosed them an article some days before, with a request to publish or remit, and neither had been done, and informing them that I should attempt to have it published elsewhere. I afterwards sent the article to the *Examiner*. There may be a few words or sentences not verbatim, but it is as near a copy from my notes as it could be written of the "Claude" article as

sent to the *Union*. That was the article which I sent to the *Examiner*. [The witness here read for the information of the committee the article which he testified he had written for the *Trinity Journal*, and which was not published.] That article sent to the *Trinity Journal* was intended to be the commencement of a series, as this "Claude" article was the commencement of a series, which I commenced, and should have continued, but for circumstances which transpired in connection with this investigation.

Q.—Proceed with your statement, if you have anything further to explain?

A.—Now, these bogus licenses have been seen by other parties.

Q.—Name the other parties, if you please?

A.—Some of them I can, yes, Sir; Mr. William A. Nunnally, who is in San Francisco now; I saw him yesterday. He saw these licenses, so he told me himself, in Mr. May's possession, in his trunk; and Mr. May requested him to help him fill them up.

Q.—What is Mr. Nunnally's occupation, and his residence?

A.—He is in the city; I cannot tell you exactly where at this moment; I know the house, but I forget the street. Captain Mesick knows him. He was formerly Sheriff of Shasta County.

Q.—(By Mr. Dwyer)—Has he resided there long?

A.—No, Sir; he has been living a number of years in Trinity County, and has resided in San Francisco a few months.

Q.—His name would not be in the Directory, then?

A.—No, Sir, I think not. He told me he had seen these licenses in May's trunk, or something of that kind, and that Mr. May requested him to help fill them out.

Q.—(By Mr. Hawes)—Was Captain Mesick aware that he knew these facts?

A.—No, Sir, I think not. I saw and was with Mr. Nunnally on the street in San Francisco, and met General Kibbe, and General Kibbe told us that Brown had gone on the steamer. He had seen an article of that kind in the *Morning Call* from a correspondent of that paper here at the Capital.

Q.—Are there any others that you can name that have seen these licenses?

A.—I will see. [Witness here examined some papers.] I will tell you another fact—I see I have a memorandum of it here—these licenses which I saw in Mr. May's possession were preserved by him for a long time for this purpose, and he kept them under the carpet in his bedroom.

Q.—For what purpose?

A.—For the purpose of exposing Hines in case Hines did not settle fairly with him—so he told me.

Q.—How many were there of those he thus kept?

A.—Well, Sir, there was quite a roll; two or three dozen at least. Mr. May told me they were making about two thousand dollars a month clear by the sale of these bogus licenses.

Q.—(By Mr. Hansbrow)—May told you that?

A.—Yes, Sir.

Q.—They can afford to keep two horses, then, at that price?

A.—Yes, Sir. Well, they have got two horses and two deputies. Besides selling these licenses, and making a profit in that way, they allow a good company—that is, I may say, a solvent China company,

which they can trust—to run two, three, four, or five months, sometimes, and then go around collecting, and make them pay for the five months, or the three months, as the case may be, and give them only one license, for one month. I hold a license in my hand for which eight dollars was paid, and it is one of their bogus licenses, to the best of my judgment. It has been filled up by a different party from our County Auditor, or any of his deputies. Mr. Griffin, the Postmaster at our place, I have shown it to, and he will swear to that fact.

Q.—Does that swell their receipts over two thousand dollars—I mean, their letting these men run for several months, and then collecting and giving but one receipt—or was that included in the whole?

A.—No, Sir. I understood they were making clear, in all their swindling, about two thousand dollars clear a month.

Q.—(By Mr. Hawes)—Do you mean by selling fraudulent licenses, or by some other frauds?

A.—By selling the fraudulent licenses and the collection of back months, and issuing only one license for them, and their regular profits. This license was sent to me.

Q.—How many of these licenses did you find in your drawer when May left?

A.—Oh! he was in the office; he was sleeping there.

Q.—How many did you find there?

A.—Oh! well, two or three dozen, probably.

Q.—Did you examine them all?

A.—I examined them, and asked particularly if it was Mr. Oulton's signature. He said, yes; and we took one of the genuine licenses that he did have and compared them, to see if it was genuine.

Q.—(By Mr. Dwyer)—These are supposed to be counterfeit licenses?

A.—They are supposed to be regular licenses, fraudulently obtained.

Q.—They kept the genuine ones in the office?

A.—Yes.

Q.—They issued in that month, then, two hundred and eighty genuine licenses, and the balance all bogus?

A.—Yes, Sir; two hundred and eighty-one. They would go to the County Auditor's office every month, and get so many licenses, and the next month they would go and make a settlement, returning so many. They had sold in this first month, eight hundred licenses, and they returned two hundred and eighty-one sold.

Q.—These licenses were manufactured here in this city?

A.—Yes; or were bought here, Sir.

Q.—And probably manufactured here?

A.—Well, I cannot tell.

Q.—(By Mr. Hawes)—Let us follow up the facts now, and leave conjecture. You say there were several dozens of those licenses, whether they were bogus or not, in the drawer there?

A.—Yes, Sir.

Q.—How many have you preserved of that lot?

A.—I have not any of them now, Sir; I did have two or three.

Q.—How long did you keep them?

A.—For a long time; and probably they are somewhere now. I kept them, but I could not find them.

Q.—Where did you leave them last?

A.—I left them home, at my house—as I recollect, in a drawer of a table—probably three or four of them.

Q.—How long ago did you see them for the last time?

A.—I saw them from the first time frequently, on different occasions, up to some time in January—a year ago last January.

Q.—Did anybody have access to them except your family?

A.—No, Sir.

Q.—What became of them? Do you know?

A.—No, Sir; I thought I had them.

Q.—You gave them to nobody, and nobody had permission to take them away?

A.—No, Sir.

Q.—They disappeared somewhere not far from the first of January?

A.—I cannot say that; I say the last time I saw them they were in Mr. May's possession.

Q.—I mean those which you put in your drawer?

A.—Those which I preserved I had—let me see—it is three months since I saw them.

Q.—You do not know what has become of them?

A.—No; I do not.

Q.—You have had no conversation with the officers about that—with Mr. Hines, or anybody?

A.—I told Mr. Hines after I had sent this article to the *Sacramento Union*, that I had written such an article. Mr. Hines came into my office one night and wanted some advice in regard to some matters about the collection of foreign miners' licenses, or rather he met me on the street and told me he wanted some advice about how to do in regard to the sale of some mining claims for back licenses. I told him to walk to the office and I would examine into the matter. We went to the office and sat down, and I told him what I thought about that matter. He pulled out two twenty dollar pieces, and said this matter had been troubling him a long time, and he wanted me to take that money; it had been worrying him, he said, a long time. I told him—"Mr. Hines, my advice to you is not worth that amount of money." He said "Oh no," and insisted on my taking it. I shoved it back to him, but he insisted, and finally I told him "I have a reason for not taking that money now anyway. I have written an article, which I have sent to the *Sacramento Union*, in regard to foreign miners' licenses, and you will think it is pitching into you pretty heavily, and for that reason I would rather not take it at all." He still insisted, and finally I told him "if it is perfectly understood that that money is pay for the advice I have just given you, and not considered as a retainer for anything else, I will take it." He said "Of course; I just wanted that advice." Then we had some conversation about this article which I had sent to the *Sacramento Union*.

Q.—What explanation did he give? Did he admit or deny the charge?

A.—Who? Mr. Hines?

Q.—Yes, Sir.

A.—I did not tell him what I had written; he never knew. I did not tell him in that conversation what I had written; I merely told him that I had written an article which I had sent to the *Sacramento Union*, and I had doubts whether they would publish it or not. He said he could see no reason why it should not be published. I told him that I hardly expected it would be. We had quite a talk then about it. I did not tell him who I referred to, though I told him he would consider that it made altogether at him, although I had used no man's name. Well, he finally said he could stand it as well as others. That is all that took place between us.

Q.—From whom did you obtain this license receipt?



A.—The Sunday before I left home I saw Mr. Nelson Hosmer on the street, and he asked me if I was going below to attend to this China license business. I told him I was. He says Judge Robert E. Kitchen has a Chinaman working for him, and he has got a license, which he told me he wanted to see you about, that he had paid eight dollars for.

Q.—(By Mr. Dwyer)—There is one question I should like to ask while I think of it. Did Mr. May settle with Mr. Hines? Did they finally come to a settlement?

A.—Yes, Sir.

Q.—And consequently May did not make any exposé?

A.—No. He settled with him sometime, I think, in January, eighteen hundred and sixty-five; it might have been in February; it was after the fifteenth of December, eighteen hundred and sixty-four.

Q.—Mr. May, I believe, has now left the county?

A.—Well, I heard that he had. The grand jury met a short time ago, and they had me before them, and I told them pretty much what I have told this committee. They inquired for Mr. May; wished to know where he was; and one of the members of the grand jury, Mr. Philbrook, remarked that he was not at home. He and May lived at the same town—at Junction City. The next day I was informed that May was seen on his way to Humboldt County, or travelling in that direction. The grand jury made a report that one of the most important witnesses was absent. I have the report. They say there has been a great deal of irregularity about it, but the most important witness had left the county. I presume they referred to May.

Q.—Is May a man of family?

A.—No. He was once Sheriff of Trinity County.

Q.—He does not hold that position now?

A.—No, Sir.

Q.—That license which you have produced is genuine, is it not?

A.—No, Sir; I do not think it is. The month ought to be filled in by the County Auditor; but it has not been filled by him, at all. To return to what I was saying about this license: I told Mr. Hosmer that I wanted him to see Judge Kitchen, and tell the Judge that I wanted to see that license, and that I wanted to take it with me when I went below. Well, in a few days after that, Judge Kitchen sent that license to me, and I examined it, and considered it a bogus license, because I know it is not filled up by the County Auditor. It seems to be all in the same handwriting, there. It is the duty of the County Auditor, under the law, to fill up the month; the county is filled in at the Controller's office. There is another point. I have tried to find two licenses of the same number. This comes within the numbers of the licenses issued to our county; but in this license, it seems to me that the date and the name have evidently been done by the same handwriting, and I would swear positively that it is not in the handwriting of the County Auditor or his deputy. Judge Kitchen sent me word that he paid eight dollars for that license, or rather promised to pay eight dollars for it, and he only got one license.

Q.—(By Mr. Hawes)—When you have spoken of bogus licenses, do you mean licenses which have been surreptitiously obtained from the Controller's office, or licenses which, having been once properly issued and sold, have been gathered up for the purpose of being resold?

A.—When I speak of these bogus licenses I speak of those which have been purchased at the Capital; that is what has been alleged in this

article—paying for genuine licenses, but which have not been filled up by the County Auditors.

Q.—Is this one of them which you have exhibited?

A.—I have just testified in regard to that matter. I said, to the best of my knowledge, it was; and eight dollars was paid for that. I obtained it from Robert E. Kitchen, of Trinity County. I judge that it is not filled up—that is, the month and the name are not filled up by the Auditor of Trinity County, or by any of his deputies. I will leave it in the hands of the committee, but I sent word to Judge Kitchen that his Chinamen should not be made to pay back licenses for the want of it. On Sunday, before I left home, Judge Kitchen sent word to me, or I met Mr. Hosmer, who told me that Judge Kitchen had a Chinaman working for him, and that he had paid or promised to pay eight dollars for one license—that is, for two months that the Chinaman was in arrears he had got but one license, and he had promised to pay eight dollars for it. I told him to tell Judge Kitchen that I would leave Weaverville on Saturday, and I would like to have him send it to me, which he did. The number on the license corresponds with the number issued to our County Auditor.

Q.—Were the other licenses which you had in your drawer, like this?

A.—Well, I could not say.

Q.—Was the county filled in at all?

A.—The county was filled in, but the balance was filled up by other parties. Mr. May used to tell me when they were filled up, and where.

Q.—I speak now specifically of the particular ones which you say you preserved in your drawer for some time. Was the county and signature in those in the same handwriting as this?

A.—Well, the county was filled, by all appearances—the signature was about the same. That is to say, I compared the genuine ones—that is, those that came through the County Auditor—with those that Mr. May showed me. I was convinced, in my own mind, that it was a regular, genuine signature, like those that had come regularly through the Auditor's hands.

Q.—I am afraid you do not understand me. There were three or four licenses which were preserved in your drawer for some time, and lost. In those were the county, as filled in, and the signature, in the same handwriting as this?

A.—I think so, as well as I can recollect. I compared these with Mr. May, and he satisfied me that they were regularly signed. He showed me, and compared them with others that came from the Auditor's hands. He compared them with those I found in my drawer. And he told me another matter—

Q.—Wait one moment. We want now to call your attention particularly to this point, and you can refer to other matters afterwards. Were they also numbered—I mean those particular licenses which you had in your drawer? And were the numbers, so far as you know, in the same handwriting?

A.—Yes, Sir. Well, I don't recollect that particularly.

Q.—Do you recollect any discrepancy or difference between the handwriting in the numbers attached to those and the numbers attached to this?

A.—I could not say.

Q.—In all that roll or package of licenses which Mr. May had, and which were considered bogus licenses, so far as you saw and inspected them, was the county filled in the same as this?



A.—That is my recollection—to the best of my knowledge.

Q.—The signature and the county were filled in?

A.—So far as I know, it was. I tell you now to the best of my recollection. He compared these which he said were bogus with those which were genuine.

Q.—Were they also numbered?

A.—Yes; to the best of my knowledge.

Q.—Then, as I understand you, so far as you know, all the bogus licenses, or the licenses in the possession of May, which you saw, as well as those which you kept in your drawer for a time, were of the same description that this is, so far as regards the handwriting in which the county was given, the signature, and the number—so far as you know, or recollect?

A.—The license which Mr. Hawes holds in his hands I got a short time ago; I think a day or two before I left Weaverville. It is the first time I ever saw that. So far as these licenses I have been speaking of is concerned, they appeared to be exactly like others shown to me by Mr. May as genuine licenses.

Q.—You say that they also had the county filled in, the number and the signature like those shown by Mr. May as genuine?

A.—Yes, Sir, as genuine. Mr. May pointed out the month particularly, and said "Don't you see that that is not Loomis' writing?"

Q.—Who is Loomis?

A.—The County Clerk and Auditor.

Q.—You discovered no difference between the handwriting in which the county—the name of the county—the numbers, and the signature were written upon these shown you by May as genuine, and those which you considered as bogus?

A.—I saw none—no difference at all from those I examined.

Q.—Did you discover any evidence then on the face of those papers which enabled you to detect them as bogus or fraudulent licenses; or have you any other means of ascertaining that they were so?

A.—The only thing by which I could tell after they were pointed out to me as bogus, was the filling up of the month in the licenses by a different hand than that of our County Auditor. That is the only sign by which I can tell. The one you hold in your hand now I could not swear positively is a bogus license, but I know it is not filled in the handwriting of the Auditor of our county, and it seems to me that the month and the name here are, as I should judge, both in the same handwriting.

Q.—The month is contracted—"Nov."?

A.—Yes, Sir.

Q.—In whose handwriting should you consider the name inserted there, and the month, to be?

A.—I do not know, Sir; I could not say. It looks something, however, like Mr. May's writing.

Q.—In the other licenses that are considered fraudulent, were the name and the month inserted in the same handwriting, apparently?

A.—Well, my attention was particularly called by Mr. May to the handwriting of the month in those he showed me, and he says: "You see that; you know that is not Loomis' handwriting." I asked if they were signed by Mr. Oulton, and he said, yes. He got these to show me that they were from the Controller; that is what he told me.

Q.—Is the signature of the Collector, here, in the handwriting of Mr. Hines?

A.—I do not think that is, Sir. My impression is, that "Hines," and

the month, and the name, and the "said," were all written by the same party.

Q.—You were about giving the names of persons, sometime ago, who had seen these licenses supposed to be fraudulent, and you mentioned the name of Mr. Nunnally. Can you name any others?

A.—I can; a man in Weaverville, by the name of M. T. Crawford. He told me he had seen these licenses which May had under his carpet. Mr. May told me, about the time that he and Hines had this dissolution, or rather, flare up, that Mr. Hines—"Old Smarty," he called him—had been down to buy some of these licenses in November—I think it was in November, eighteen hundred and sixty-four; that he had bought several thousand dollars worth of them, and that he had bought the wrong kind; that he came to Sacramento for the purpose of laying in a supply for the next year, eighteen hundred and sixty-five, and had got the wrong kind that is, eighteen hundred and sixty-four. That is what Mr. May told me he had done. He had taken them up home, and commenced retailing or collecting with them, and did not discover the mistake until he had sold a number; and that Mr. Buck—F. A. Buck—and Mr. George Bunker, who was elected Assessor of Trinity County last year, had seen them. He said that Mr. Bunker and Mr. Buck were the first to detect that licenses had been issued by Hines of the wrong date, and had spoken about it, and that Hines would probably lose several thousand dollars, unless he could get them exchanged. Mr. Buck and Mr. Bunker saw these licenses of the wrong date. Afterwards, Mr. Crawford told me he had a conversation with Mr. May about these licenses, and Mr. May had told him he had to pay two bits to get these wrong licenses changed for right ones. I never had any more conversation with Mr. May about it at any other time; but it seems he had been telling Mr. Crawford, and he showed him the licenses under the carpet, too. Mr. Crawford told me that May had told him that he had to pay two bits extra to get the licenses changed. That is all I know about it. I have talked with Mr. Buck, and with Mr. Bunker, both, and they had found in January, eighteen hundred and sixty-five, licenses which had been sold, dated January, eighteen hundred and sixty-four; they saw them, and told me so. After this dissolution between May and Hines, May never went around with him collecting any more. They had a settlement, it seems, and May was to get so much money, payable in instalments; and he told me on one occasion that the bargain was that he should keep these bogus licenses as security that the money should be paid in the instalments, as promised.

Q.—Are there names of any other persons that are witness to these bogus licenses, or fraudulent licenses, that you have not yet communicated?

A.—Not that I can possibly recollect. I think probably I have mentioned all the names.

Q.—Are there any other facts that you can communicate, or other evidence, to prove the fraudulent issue or sale of foreign miners' license receipts, in addition to what you have stated?

A.—I do not know that I can call to mind any at this moment; by looking over some notes or memoranda that I have, I might.

Q.—(By Mr. Dwyer)—Have you heard the name of any negro here mentioned as being implicated in this matter?

A.—I have heard the name. I think it is likely that Mr. May had told me the name of the negro, but it escaped my recollection. I went to San Francisco, and met Mr. Nunnally and General Kibbe, as I have

remarked once before, and they spoke about Brown. I then thought that was the name, and Mr. Nunnally spoke up immediately, and said, "Certainly; that is the name of the nigger." It has been a long time since I had a conversation with Mr. May about the matter, but I have been told that Mr. May told Mr. M. T. Crawford that a Chinaman had lately furnished these licenses to the purchasers. That is what Mr. Crawford told me that May had told him lately, and I think it probable that he said, since this law admitting negroes' testimony, a Chinaman had been substituted. I just tell you all I know about it, and all that men have told me, and then you can prove the rest by the men whose names I give you.

Q.—(*By Mr. Hawes*)—Did you ever see this colored man by the name of Cornelius Brown?

A.—I never did, Sir; not to the best of my knowledge.

Q.—Have you ever seen any strange colored man about Trinity County during the last two or three years—about Weaverville particularly?

A.—No, Sir; I do not think I have, that I can call to my mind at present—no suspicious character.

Q.—Has Hines, the Collector, visited Sacramento since he went into office?

A.—Yes, Sir.

Q.—How often has he visited Sacramento during that time?

A.—Well, he went down in November; he went down just before he went into office, in March, eighteen hundred and sixty-four, and he went below in November, eighteen hundred and sixty-four, the time that Mr. May told me he had got the wrong licenses. He was in this city two or three or four weeks ago—it may be six weeks. When the "Claude" article was published he was below.

Q.—(*By Mr. Dwyer*)—He is still Tax Collector?

A.—Yes, Sir; he is still Tax Collector.

Q.—(*By Mr. Hawes*)—Were there any other times that he was down here?

A.—Those are the only times that I can recollect. Mr. May was down several times—well, between March, or between April, I may say, and the time that they dissolved.

Q.—Between April, eighteen hundred and sixty-four, and the time they dissolved?

A.—Yes, Sir; that was a short time after the fifteenth of December, eighteen hundred and sixty-four. It might have been in January, and it might possibly have been in February—it was not very long after.

Q.—Do you recollect about the times he came down?

A.—No, Sir; I could not tell exactly. I know he came down several times; once he went down with a brother and his family.

Q.—When did you first hear that these licenses, called fraudulent or bogus licenses, were obtained through the agency of a negro in Sacramento?

A.—I first found it out, Sir, from Mr. Love, at Virginia City—George I. or George J. Love.

Q.—When?

A.—In the spring or summer of eighteen hundred and sixty-three.

Q.—That was before the election, then?

A.—I cannot tell exactly the month. I know Mr. Love had lived a long time in Trinity County. He had been away a year or two; I do not remember exactly the time I met him in Virginia City; he was frequently at our office. In one conversation he told me of the purchase

of these licenses, as I have stated, and that he himself had purchased them, and told me how he had procured them.

Q.—That was as early as the spring of eighteen hundred and sixty-three?

A.—Well, it was either spring or summer. Mr. Love went to Austin sometime during that summer; I do not recollect exactly the month; I saw him frequently while he was there.

Q.—What knowledge did he profess to have on the subject?

A.—He told me he had bought them himself?

Q.—Through the agency of a negro?

A.—Yes, Sir.

Q.—Where is Love now?

A.—The last I heard of him he was at Austin, Nevada Territory.

Q.—Did he indicate at what time it was that he had purchased them?

A.—No, he did not, Sir. It was a casual conversation going on, and I did not, in fact, ask him very much about it. I presumed, though I do not recollect that he said so, that it was while he was Deputy Sheriff of Trinity County, some years ago, under Mr. May. He was Deputy Sheriff in that county in eighteen hundred and fifty-six or eighteen hundred and fifty-seven. I presume he mentioned this fact; it must have been while he was Deputy Sheriff, though I could not recollect that he said that it was. He had left there and been gone some years when I met him.

Q.—Have you been informed of any other persons who have purchased licenses through the agency of a negro, or obtained them in any other surreptitious mode—except the instances you have mentioned, of course?

A.—I do not know, Sir; no, I am pretty certain I do not. Mr. Nunnally told me, when I met him in San Francisco, that it had been done all over the State, and that Brown was the negro.

Q.—The grand jury of Trinity County in their late report refer to a witness that was then absent from the county. Who is the witness referred to by them?

A.—I presume it was Mr. May, though I do not know that it was—John B. May. I would like to make another remark before the committee. After I had written this "Claude" article, and had it published, I intended to write several other articles on the subject, and on the defects of the law, but I received a letter from Mr. Oulton, and was assured that he intended to have the matter investigated, and I considered it best, or more prudent, to discontinue writing the articles until after the investigation was had. Therefore I never sent the second number to the press.

Q.—Have you any information to the effect that the Sheriff of Klamath County has at any time obtained licenses through the agency of the colored man referred to, or in any other irregular or surreptitious mode?

A.—I have no positive proof to that effect. There has been a rumor circulated in my part of the country, and in my town, of Weaverville, that licenses had been bought by Mr. May and taken over to the Sheriff of Klamath County, but whether there is anything more in that report than mere rumor I cannot say.

Q.—Is that the information you communicated to Mr. Chadbourne? and is that rumor the only foundation for it?

A.—I believe so—yes; I think I mentioned it to Mr. Chadbourne. I had heard it intimated by several gentlemen. I was before the grand jury of our county, and Mr. Philbrook, a member of the grand jury,

asked me if I knew anything about these licenses being taken over to Klamath. They know that May has made several trips.

Q.—To Klamath?

A.—To Klamath; yes, Sir.

Q.—At how late a period?

A.—Well, Sir, I could not exactly say; it has not been but a few months since I heard of his going to Klamath; whether he went there for that purpose or not I could not tell; it is mere rumor. I do not think it has been but a few months—I could not tell the exact length of time, but I recollect the circumstance of its being reported that he had gone, and I heard of these rumors soon after his return.

Q.—Where is the residence of May now?

A.—He lives at a place in Trinity County called Junction City—a little village.

Q.—Is he at home now?

A.—Well, I cannot tell, Sir, whether he was at home when I left or not. At the time this grand jury were in session they sent for me, and examined me about an hour; and during my examination the inquiry was made where May was, and Mr. Philbrook said he was not at home. The next day, or soon after this, we heard that he was seen on his way, travelling in the direction of Humboldt County. He may be in that county at this time; I do not know. He lives at Junction City.

Q.—Have you any other grounds, or do you know of any other evidence in support of what has been published in the *Examiner*, or otherwise made public, in relation to any irregularities connected with the Controller's office? Anything in addition to what you have stated here?

A.—Well, when Mr. Chadbourne was in Weaverville, a short time ago, he and others had an examination of licenses which were about to be returned to the Controller's office. They discovered that a great many of these licenses were returned as licenses not sold, but filled up, and that the date was not in the Auditor's handwriting. Mr. Chadbourne told me he had found some little irregularities, but did not know as they amounted to much. I talked with him and others—Judge Murphy, the County Judge, Mr. Griffin, and Mr. Cochell, the Treasurer of the county. They had examined these licenses, and found a great many of those that were about to be sent back that had not been filled up by Mr. Loomis, the County Auditor. I made an effort immediately to see the Treasurer before he sent them off, and examine the licenses. I could not find him that night, and when I did, I found they had been sealed up and sent to the Controller's office. I had a conversation with Mr. Cochell, the Treasurer, and he, and Mr. Griffin, and Mr. Murphy—I think all three—told me that they would swear that those licenses were not filled up by the Auditor of that county—that is, the date. And Mr. Cochell told me he did not expect they would be receipted for by the Controller in that form. He afterwards informed me that they were receipted for.

Q.—When were these licenses you speak of returned?

A.—About the first of last December. I think they left on the very stage that Mr. Chadbourne left on when he came down; I think that was the exact time.

Q.—By their not being filled in by the Auditor, you mean that the month was not filled in?

A.—No, Sir; they were filled up—so I was informed by these gentlemen; I did not see them; they said they had been filled up apparently

as if they had been sold—the names all in, and dated, and the dates not filled in, as required to be by law, by the County Auditor.

[Further examination of the witness was postponed until to-morrow morning.]

## CHARLES E. WILLIAMS, RECALLED.

WEDNESDAY, February 7th, 1866.

Charles E. Williams, recalled for further examination:

*The Witness.*—There is another name which I did not think of yesterday, when you asked me the names of persons who had seen these licenses. There is another gentleman, the present Assessor of Trinity County, John McCammon. He is one of those men who have been told so much by Mr. May, and he has seen as many of these licenses as I have. Mr. Nunnally, whose name I gave the committee yesterday evening, lives on the corner of Stockton or Dupont and Washington streets, San Francisco; he has his wife with him. He lives on the upper left hand corner; he pointed out the house to me, but I had forgotten the street. I do not know whether it will do any good for the committee to know it, but while I was in San Francisco I endeavored to get some statistics in regard to the number of Chinese miners in the State. I went to the Chinese Interpreter there for that purpose.

Q.—(By Mr. Hawes)—To Mr. Carvalho, the City and County Interpreter?

A.—Yes, Sir. I met him at the Internal Revenue Office. He told me that in California, Oregon, and the British Possessions, there were seventy-five thousand Chinamen, and in California, sixty thousand—that is, sixty thousand all told—and that there were fifty thousand tax-paying miners.

Q.—(By Mr. Dwyer)—Sixty thousand in all, and fifty thousand miners out of that sixty thousand?

A.—That is what he said. He said there were ten thousand engaged in other business. I tried to find out from him how many there were in Trinity County, and he told me there were between twenty-five hundred and three thousand in Trinity County. He gave me, I will say further, these figures from memory, but he promised to furnish me before I left with further and more reliable information, if he could possibly obtain the information, and if not, he would get it as soon as possible, and send it to me here in this city.

Q.—(By Mr. Hawes)—Are there any other facts which you can communicate, or statistics, which the committee would be glad to hear?

A.—Well, Sir, there is one defect in this law to which, it seems to me, the attention of the Legislature should be called, and that is my object—that is, these Chinese licenses are not countersigned, as all others are, by the County Treasurer and Auditor—only by the Controller and Tax Collector. All other licenses are signed by the Controller, and countersigned, as a check against fraud, by the County Treasurer and County Auditor in each county. There is no check against fraud and swindling in this respect. There is another point I might call the attention of the committee to, and that is, the Collectors in my county take away and tear up the back licenses. They give the Chinaman the license for this

month, and they find the last one in his possession, and in that case they tear up the old one and leave him only the new one. That allows the Collector an opportunity to let the good companies run for three or four months before they make an effort to change the licenses; whereas, if they were not allowed to tear up these old licenses, they would be obliged to collect promptly every month. They would be afraid to let them run, because, as soon as the other Chinamen got their licenses they would go and sell such licenses to the companies which were allowed to run. A change in that respect would force the Collectors to collect promptly every month, and they would not have the opportunity which they now have, of giving one license for three, four, or five months.

Q.—(By Mr. Dwyer)—I take it that they carry these licenses around loose? They do not have them in a book the same as in the case of poll taxes, where there is a check all the time?

A.—No, Sir; these come on sheets; they sometimes have a tin case. I have known Collectors to; I do not know whether Mr. Hines does, but, before the Collector starts out every month he fills up as many as he expects to have use for. I have seen them have the licenses in a round tin can, fixed up to fit them. These licenses are printed on sheets—four, I think, on a sheet.

Q.—(By Mr. Hawes)—Has the practice of taking away the back licenses prevailed to any great extent so far as your information extends?

A.—I think so; I have been informed so by Mr. May, that that was one great source of fraud. The practice is generally understood to be a fact, and never questioned. It is understood by everybody in my part of the country that that is the invariable custom.

Q.—(By Mr. Dwyer)—It seems not to be looked upon at all as thieving by those mining counties?

A.—There has been a good deal of talk about it; people have been interested in it some time, in Trinity especially; but it has been a difficult matter to arrive at proof of. The Chinese cannot testify, and it is the most difficult thing in the world to get at.

Q.—(By Mr. Hawes)—How is it in other counties as to taking up the back licenses?

A.—I could not say in regard to that matter.

Q.—In Shasta, have you any knowledge of the practice there?

A.—No; I do not know how it has been done in Shasta.

Q.—Or Klamath?

A.—No, Sir.

Q.—The committee are aware, from the article published in the *Examiner*, as well as from what you have stated, that you are under the impression that extensive frauds have existed in some form. Now, under the supposition that these licenses to which you have referred as bogus or fraudulent should turn out to be genuine receipts, issued in the ordinary and legal mode, is there any other means that you know of by which frauds could be or have been practiced?

A.—I know of no other way in which they have been practiced, except by the selling of these licenses, which appear to be perfectly regular on their face, and the collecting of back licenses and giving only one license receipt.

Q.—There are no other frauds that you are aware of?

A.—None that I know of.

Q.—You alluded to the taking up of the old licenses upon giving the new ones; perhaps that might be the means of committing some frauds?

A.—Yes, Sir; I look upon that as a part of what I have already

explained. That has been done, the taking up of these licenses; I understand it has been done for two purposes. In the first place it is to collect. The Collector, even if he acted honestly all the way through, might deem it necessary. The law requires that the last license shall be dated from the last preceding license found in the possession of the party, and if the Collector should allow the Chinamen to keep these back licenses, they would slip them from one to the other. The Collectors find out a place where Chinamen are at work, and go there to collect, and the next morning they go to another place, and find another company of Chinamen; but the Chinamen from whom he collected last evening would send ahead their licenses, and the Collector when he got there would find them all supplied by changing hands. As a matter of protection it might be well to tear up the old licenses anyway. But then it is a means of allowing the Collector to let these good companies run; those having permanent property; those whom he is willing to trust a month or two; he can allow them to run on, and give them only one license for the back months. By tearing up the old back licenses he is enabled to charge back months to those companies that are allowed to run on two or three months.

Q.—There are, of course, a good many other foreign miners besides the Chinese? Are there not?

A.—Yes, Sir; I have been told that it is very seldom that they ever collect from any other but the Chinese in my county.

Q.—They do not try to do so?

A.—No, Sir; they do not try to do so.

Q.—Can you inform the committee why that is so?

A.—No, Sir; I do not know the reason.

Q.—(By Mr. Dwyer)—The law was framed to reach all foreigners?

A.—Yes, Sir. Well, laws have been passed frequently since the foreign miners' license law went into operation, exempting certain classes of foreigners from its operation; that is, that foreigners who have taken out their first naturalization papers at a certain date, for instance, should be exempt. There have been several laws of that kind passed since.

Q.—(By Mr. Hawes)—Have you any evidence or reason to believe that the present Controller, or any Clerk or other person connected with the office, is implicated in any irregularities or frauds on this subject other than what you have already communicated here in your testimony before the committee?

A.—I think not, sir, that I remember. I would like to make this remark in justice to Mr. Oulton: In the "Claude" article which I wrote, there is but one sentence in the article that I have any regrets at all about writing. It is this: "It enriches the Tax Collector in every mining county, and puts money in the purse of the Controller of State."

Q.—(By Mr. Dwyer)—That, you think, was not proper?

A.—Well, I think if I had to write the article over again, I should leave out the words, "It puts money in the purse of the Controller of State."

Q.—Perhaps at that time you did not know exactly how the matter stood?

A.—Well, I know I could prove by these gentlemen whom I have named, that these licenses were to be had here, and regularly signed licenses. I have seen them myself, and can prove them by Mr. May, and prove by Mr. Nunnally, who has seen them, and prove by Mr. Crawford, who has seen them, and by Mr. McCammon.

Q.—You never heard that the Controller was directly implicated?

A.—No, I never heard from any source that these licenses were procured from Mr. Oulton personally, or any of his predecessors; but that they came from the Controller's office, in the manner which I have already informed the committee.

Q.—(By Mr. Hawes)—In other words, that they were stolen by the negro?

A.—I did not hear that they were stolen.

Q.—How did you infer—that they were stolen or gained by the connivance of some of the Clerks, or some one officially connected with the office?

A.—Well, I suppose I inferred, from the facts I heard, that there was some complicity between the negro and some parties in the Controller's office; that, however, was an inference or deduction from the facts that came to my knowledge.

Q.—An editorial appeared in the *Examiner* of last Saturday, I believe, or about that time, referring again to this subject, in which substantially the charge has been repeated, that Brown has been robbing the good, easy, unsuspecting Controller of State, and through him, the State itself; that the Controller has been leaving bundles of signed miners' licenses lying about loose in his office, and Brown has been taking them up and selling them. Are you aware of any new facts that have transpired, or any facts other than what you have stated, that would go to substantiate the truth of those remarks in the *Examiner*?

A.—No, Sir; nothing except what I have learned from that article, and a letter I saw—I think on the same day that that was published—from this city, in the *Morning Call* of San Francisco, stating that this fellow Brown had left for parts unknown.

Q.—You state that certain facts can be proved by the witnesses whom you have named. Do you wish to be understood that each and all of them asserted that any one officially connected with the Controller's office, or any person except the negro, was implicated in surreptitiously obtaining these licenses, and selling them?

A.—I never heard from either of the parties that any one officially connected with the office sold these licenses. I can tell what can be proved, if the committee wish to hear it, by each of the witnesses whose names I have mentioned.

Q.—If there is anything you have not stated, you will oblige us by stating it as briefly as possible.

A.—I think I have stated all the proof—I think so. I can tell when it is copied off by the Reporter and read to me.

Q.—(By Mr. Dwyer)—If I understand you, Mr. Love was one of the parties who got these licenses from the negro?

A.—He was the first one that told me; he said he had bought them himself. Mr. May told me the same thing, and showed me the licenses, and he showed Mr. Nunnally these licenses, and requested Mr. Nunnally to assist him in filling up these blanks.

Q.—May and Love had spoken to the negro, you say—those are the only ones?

A.—Yes; May also will prove that. There is another thing: Mr. Nunnally told me that Mr. Hines told him it cost eight thousand dollars to get elected. He told me that he had borrowed the money, and in just about six months after he was Collector he had paid it back.

Q.—What is the office of Sheriff worth in Trinity County now?

A.—Tax Collector, you mean? That is the office he holds now.

Q.—Is there no salary attached to the office?

A.—No, Sir; no fee.

Q.—And he made this eight thousand dollars besides his living?

A.—Well, that is the presumption, from what he told Mr. Nunnally—that it cost him that much to get elected—that he borrowed the money and paid it in six months.

Q.—Twenty per cent is the amount allowed by law?

A.—Yes, Sir; to every Tax Collector.

[FEBRUARY 13th, 1866.—The foregoing testimony of C. E. Williams having been read to him, the examination proceeded:]

Q.—(By Mr. Oulton)—Do you know that the Auditor of Trinity County always fills in the name of the month in every one of these licenses?

A.—I do not know that he always does. And I will add, that this matter has been talked of so much for several years, in my county, that the Auditor in Trinity would hardly neglect to fill up those licenses.

Q.—The name of the month not being in the Auditor's handwriting is the only means that leads you to suspect that they are bogus licenses? That is, the only thing appearing on the license itself that leads to the suspicion?

A.—That is the only sign by which I can tell that one license is bogus and another genuine.

Q.—(By Mr. Holden)—And you come to this conclusion, further, from what May and others had told you?

A.—Yes, Sir, that is all. So far as the number of the licenses are concerned, the fraudulent licenses may be duplicates of the very licenses sent to each county. Nothing can be determined from the numbers. The party, whoever is implicated in it, is shrewd enough to duplicate the numbers, and have the same numbers. It is very difficult to find two numbers corresponding in the same county.

Q.—(By Mr. Dwyer)—You have the names of some parties, I understand, which you wish to state?

A.—There is a witness who has been, as I was informed on Saturday, by an acquaintance of mine, a Deputy Sheriff and Tax Collector for seven years, in the State, residing now at Grass Valley, and, I have been informed, a truthful man, by the name of John K. Sale, or Sales.

Q.—(By Mr. Holden)—Is there any other witness that you know of?

A.—No, Sir.

Q.—(By Mr. Dwyer)—Is there anything else that you think of?

A.—No, Sir. My use of the terms "bogus" and "genuine," I think is already sufficiently explained. I will make this request of the committee, as I know not for what purpose my testimony has been taken down in shorthand, that this article which I have written, signed "Claude," should be inserted in the testimony, so that if it is printed, it will be printed with it.

[The committee directed that the article from the *San Francisco Daily Examiner*, of Monday, November twentieth, eighteen hundred and sixty-five, be made a part of the testimony of the witness, as follows:]

## "FOREIGN MINERS' LICENSE.

### "NUMBER I.

"EDITOR EXAMINER:—We have passed comfortably through the excitement of two elections, and now enjoy that condition of political quietude,

in which we can calmly reflect upon the past, and dispassionately consider the future. We have elected officers—county and State—whose duty it is to serve the people during their respective terms honestly, faithfully, and according to law. And by way of parenthesis, let me remark that there never was a time in the history of our country when there existed greater need of good officers and good laws. The people in the mining counties are bowed down with debt, and oppressed with taxation—county treasuries are exhausted—private purses are empty—and their mineral resources are rapidly passing away,

“May it not, therefore, be proper at this conjuncture of affairs, to offer a few suggestions for the consideration of the taxpayer and his newly chosen representative. May it not be proper to suggest to the one, that his taxes are onerous and should be abated, and to the other, that an amendment of the revenue law concerning the collection of foreign miners’ licenses might occasion wholesome reform, and in a measure bring the desired relief. That law, as it now stands, is a fraud upon the citizen, and a farce upon the statute book. It enriches the Tax Collector in every mining county, and puts money in the purse of the Controller of State. If it was purposely framed with a view to promote official theft and rascality, its object has been fully accomplished, and its author deserves immortality for the sagacity he displayed in securing the enactment of a law perfect in all its parts.

For the subservience of all honest ends it is a gross imposition, and should be abolished, or so amended that county and State may hereafter receive at least a moiety of benefit from this source of revenue. It offers temptation such as none can resist, and in comparison with which, that presented to Adam and Eve in the garden of Paradise was a trifle. The desire of our primeval ancestors for wisdom is surpassed by the cupidity of their descendants for gold. Elect the most upright man in the community Tax Collector of one of these counties, and after a single journey to the Capital, visions of wealth to be speedily acquired by strategy, float in gorgeous array before his heretofore untutored mind. He finds to his amazement that for fifty cents apiece he can procure foreign miners’ licenses regularly signed by the Controller, upon each of which he can realize a clear profit of three dollars and fifty cents. He finds that the law which requires all other licenses to be countersigned by the Auditor and Treasurer of the county before they are issued to the Tax Collector, exempts the foreign miners’ license from this check upon fraud. He is told that the procurement and retail of these quasi genuine fifty cent licenses is a legitimate transaction—that everybody does it—and that though a little irregular, the irregularity will not be detected, as Chinese testimony cannot be taken in Courts of justice. He is assured that the oath to be taken on making his monthly returns is a mere matter of form, and was not intended by wise lawgivers to affect material so flexible as the human conscience. *Verbum sat!* Passive be conscience for a season!—a truce to honest thoughts and intentions!

“His form was faultless, and his mind,  
Untainted yet by art,  
Was just, humane, and kind,  
And virtue warmed his heart.”

“But ah! the cruel spoiler came. The evil associations of the metropolis corrupt the virtues of rustic manhood. As the mountain trout catches the gaudy bait, so does the Tax Collector grasp the tempting morsel. He has but to do, and become rich in worldly goods. He does

as frail humanity, under such circumstances, is wont to do. He robs the people without fear of detection, commits perjury without dread of punishment, and at the end of two years quits his office with an ill-gotten but massive fortune. Not one third of the money collected from the foreign miners finds its way into the public coffers. The taxpayer receives no benefit from the fruits of this most fruitful source of revenue. His county verges upon bankruptcy, and his taxes are obliged to be raised to the maximum figure. Collect this tax honestly and faithfully for two years, and no mining county in the State will be in debt; taxes may be reduced, and our purses may, now and then, as in days of yore, contain a penny, which can rest in its place secure and undisturbed by the clamors of unrelenting creditors. Better would it be to amend the law, so that Chinamen may pay for the privilege of mining whatever amount his liberality shall suggest, than longer tolerate such iniquitous robbery.

“In my next I propose to present to the reader some curious facts and figures in regard to the operation of this law in this county—*ex uno disce omnes*—and to point out more fully its defects and the requirements which justice demands in the premises.

“CLAUDE.

“TRINITY COUNTY, November 13th, 1865.”

Q.—(By Mr. Holden)—There is nothing which you want to correct or alter in your testimony?

A.—No, Sir.

SACRAMENTO COUNTY, }  
State of California. }

C. E. Williams, being duly sworn, deposes and says, that he has examined the above and foregoing seventy-one pages of testimony given by him before the Oulton Investigating Committee, after the same had been written out in longhand by Mr. Marsh, the Reporter, and that to the best of his information, knowledge, and belief, the same is correct.

C. E. WILLIAMS.

Sworn to and subscribed before me, this fifteenth day of February, A. D. eighteen hundred and sixty-six.

WILLIAM HOLDEN,  
Of the Committee.

## TESTIMONY OF O. M. CLAYES.

WEDNESDAY, February 21st, 1866.

O. M. Clayes, being duly sworn, testified as follows :

Q.—(By Mr. Holden)—Are you the State Printer?

A.—Yes, Sir.

Q.—Can you tell how many foreign miners’ licenses you have furnished the Controller of State the last year?



A.—I made out a list the other day and gave it to the foreman, when I was going away; I did not know but I would be called on then—and he gave a copy to Mr. Oulton. I believe the whole number is three hundred and seventy-five thousand.

Q.—[A paper was here shown the witness]—Can you tell the number for each year?

A.—The dates are down here. December eleventh, eighteen hundred and sixty-three, there were twenty-five thousand. The year commences in November; and up to November, eighteen hundred and sixty-four, there were one hundred and fifty-five thousand printed; and then up to October twenty-fourth, eighteen hundred and sixty-five, one hundred and twenty thousand.

Q.—Altogether, it is three hundred and seventy-five thousand?

A.—Yes, Sir.

Q.—Your first year commenced in November, eighteen hundred and sixty-three?

A.—Yes, Sir. Then up to November, eighteen hundred and sixty-four, there is one hundred and fifty-five thousand printed; and up to November, eighteen hundred and sixty-five, one hundred and twenty thousand, and then this year one hundred thousand more—making, in all, the three hundred and seventy-five thousand.

Q.—Have you ever printed any license receipts other than those for the Controller?

A.—No, Sir.

Q.—Did you ever hear of any application being made for printing them other than for the Controller?

A.—No, Sir; no application has ever come to the office.

Q.—And you never have heard your men say so?

A.—No, Sir.

Q.—That is all; we had heard that there had been such application?

A.—Well, I would be very likely to know it; if there had been, I should have known it, I am very sure. Mr. Williams asked me the question, or a similar one, and I asked Mr. Jefferis, the foreman, about it, and he told me there never had been such a thing, and could not possibly be such a thing done in the office without he would know it.

Q.—(By Mr. Dwyer)—Did you ever hear of the proposition being made to any other office?

A.—No, Sir.

O. M. CLAYES.

The above and foregoing three pages of testimony were read by the witness, and signed in my presence, February twenty-seventh, eighteen hundred and sixty-six.

ANDREW J. MARSH,  
Clerk and Reporter of the Committee.

OFFICE OF STATE CONTROLLER,  
Sacramento, February 17th, 1866. }

To the Honorable Senate of the State of California:

In obedience to your resolution, bearing date the fifteenth instant, I have the honor to submit the following report of the issue of foreign miners' licenses from this office.

The foreign miners' license account of each County Treasurer kept in this office is made to conform to the foreign miners' license year, commencing on the second Monday of November of each year, (see section ninety-nine of the revenue law,) so I have taken the liberty to make this report correspond with the license year, instead of the calendar year, as requested by the Senate resolution.

During the foreign miners' license year commencing November ninth, eighteen hundred and sixty-three, and ending November thirteenth, eighteen hundred and sixty-four, the whole number of licenses issued to County Treasurers was one hundred and twenty-three thousand four hundred, (123,400,) and the total number of licenses of that year's issue returned to this office by County Treasurers, nineteen thousand eight hundred and twenty-one, (19,821.) The following statement exhibits the number issued to each County Treasurer, the numbers by which such licenses were designated, and the number returned at the close of the license year:

### STATEMENT.

Counties.	Numbers.	No. of Licenses.	Totals.
Klamath .....	From 1 to 500	500	
" .....	From 17,301 to 18,300	1,000	
" .....	From 82,101 to 83,100	1,000	
" .....	From 110,201 to 111,200	1,000	3,500
	CR.		
	By licenses returned...	.....	561
Siskiyou .....	From 501 to 1,500	1,000	
" .....	From 18,301 to 19,300	1,000	
" .....	From 27,601 to 28,600	1,000	
" .....	From 33,901 to 35,400	1,500	
" .....	From 46,401 to 47,400	1,000	
" .....	From 61,401 to 62,400	1,000	
" .....	From 66,901 to 68,400	1,500	
" .....	From 79,601 to 80,600	1,000	
" .....	From 91,101 to 92,600	1,500	
" .....	From 97,901 to 98,400	500	
" .....	From 111,201 to 111,700	500	
" .....	From 119,201 to 120,200	1,000	12,500
	CR.		
	By licenses returned...	.....	476
Trinity .....	From 1,501 to 2,500	1,000	
" .....	From 35,401 to 36,400	1,000	
" .....	From 56,401 to 57,400	1,000	
" .....	From 105,401 to 106,400	1,000	4,000
	CR.		
	By licenses returned...	.....	376

## STATEMENT—Continued.

Counties.	Numbers.	No. of Licenses.	Totals.
Fresno .....	From 2,501 to 2,800	300	
" .....	From 16,801 to 17,300	500	
" .....	From 37,901 to 38,400	500	
" .....	From 66,401 to 66,900	500	
" .....	From 78,601 to 79,600	1,000	
" .....	From 112,201 to 113,200	1,000	
			3,800
	Cr.		
	By licenses returned...	.....	258
Sierra.....	From 2,801 to 3,800	1,000	
" .....	From 42,401 to 43,400	1,000	
" .....	From 86,101 to 87,100	1,000	
" .....	From 104,401 to 105,400	1,000	
" .....	From 116,201 to 117,200	1,000	
			5,000
	Cr.		
	By licenses returned...	.....	1,537
Plumas .....	From 3,801 to 4,800	1,000	
" .....	From 29,601 to 30,600	1,000	
" .....	From 55,401 to 56,400	1,000	
" .....	From 62,401 to 63,400	1,000	
" .....	From 76,601 to 77,600	1,000	
" .....	From 89,101 to 90,100	1,000	
" .....	From 103,401 to 104,400	1,000	
" .....	From 118,201 to 119,200	1,000	
			8,000
	Cr.		
	By licenses returned...	.....	845
Shasta .....	From 4,801 to 5,300	500	
" .....	From 24,601 to 25,600	1,000	
" .....	From 44,401 to 45,400	1,000	
" .....	From 69,401 to 70,400	1,000	
" .....	From 93,901 to 94,900	1,000	
			4,500
	Cr.		
	By licenses returned...	.....	227
Mariposa.....	From 5,301 to 6,300	1,000	
" .....	From 8,401 to 9,400	1,000	
" .....	From 60,401 to 61,400	1,000	
" .....	From 102,401 to 103,400	1,000	
			4,000
	Cr.		
	By licenses returned...	.....	1,549

## STATEMENT—Continued.

Counties.	Numbers.	No. of Licenses.	Totals.
Nevada.....	From 6,301 to 6,800	500	
" .....	From 33,601 to 33,900	300	
" .....	From 54,401 to 55,400	1,000	
" .....	From 57,401 to 58,400	1,000	
" .....	From 100,401 to 101,400	1,000	
" .....	From 121,201 to 121,400	200	
" .....	From 122,401 to 122,900	500	
			4,500
	Cr.		
	By licenses returned...	.....	511
Calaveras.....	From 6,801 to 7,800	1,000	
" .....	From 23,601 to 24,600	1,000	
" .....	From 32,601 to 33,600	1,000	
" .....	From 53,401 to 54,400	1,000	
" .....	From 58,401 to 59,400	1,000	
" .....	From 70,401 to 71,400	1,000	
" .....	From 77,601 to 78,600	1,000	
" .....	From 88,101 to 89,100	1,000	
" .....	From 96,901 to 97,900	1,000	
" .....	From 117,201 to 118,200	1,000	
			10,000
	Cr.		
	By licenses returned....	.....	3,883
Stanislaus.....	From 7,801 to 8,100	300	
			300
	Cr.		
	By licenses returned ....	.....	158
Tehama.....	From 8,101 to 8,400	300	
" .....	From 93,601 to 93,900	300	
			600
	Cr.		
	By licenses returned ...	.....	323
Tuolumne .....	From 19,301 to 20,300	1,000	
" .....	From 36,401 to 37,400	1,000	
" .....	From 65,401 to 66,400	1,000	
" .....	From 90,101 to 91,100	1,000	
" .....	From 106,401 to 107,400	1,000	
" .....	From 121,401 to 122,400	1,000	
			6,000
	Cr.		
	By licenses returned...	.....	1,902
Del Norte.....	From 9,401 to 9,700	300	
" .....	From 45,901 to 46,400	500	



## STATEMENT—Continued.

Counties.	Numbers.	No. of Licenses.	Totals.
Del Norte.....	From 109,901 to 110,200	300	1,100
	All sold.		
Yuba.....	From 9,701 to 10,200	500	4,000
" .....	From 37,401 to 37,900	500	
" .....	From 47,401 to 48,400	1,000	
" .....	From 68,401 to 69,400	1,000	
" .....	From 101,401 to 102,400	1,000	
	Cr.		176
	By licenses returned...	.....	
Placer.....	From 10,201 to 11,200	1,000	11,000
" .....	From 22,301 to 23,300	1,000	
" .....	From 25,601 to 26,600	1,000	
" .....	From 33,401 to 39,400	1,000	
" .....	From 43,401 to 44,400	1,000	
" .....	From 59,401 to 60,400	1,000	
" .....	From 73,401 to 74,400	1,000	
" .....	From 87,101 to 88,100	1,000	
" .....	From 92,601 to 93,600	1,000	
" .....	From 107,401 to 108,400	1,000	
	Cr.		1,015
	By licenses returned...	.....	
Butte.....	From 11,201 to 12,200	1,000	7,500
" .....	From 28,601 to 29,600	1,000	
" .....	From 50,401 to 51,400	1,000	
" .....	From 74,401 to 76,400	2,000	
" .....	From 98,401 to 100,400	2,000	
" .....	From 122,901 to 123,400	500	
	Cr.		820
	By licenses returned...	.....	
El Dorado.....	From 12,201 to 14,200	2,000	2,000
" .....	From 20,301 to 22,300	2,000	
" .....	From 30,601 to 32,600	2,000	
" .....	From 39,401 to 41,400	2,000	
" .....	From 51,401 to 53,400	2,000	
" .....	From 63,401 to 65,400	2,000	
" .....	From 71,401 to 73,400	2,000	
" .....	From 84,101 to 86,100	2,000	
" .....	From 94,901 to 96,900	2,000	

## STATEMENT—Continued.

Counties.	Numbers.	No. of Licenses.	Totals.
El Dorado.....	From 113,201 to 115,200	2,000	20,000
	Cr.		
	By licenses returned...	.....	1,151
Amador.....	From 14,201 to 15,200	1,000	5,000
" .....	From 41,401 to 42,400	1,000	
" .....	From 49,401 to 50,400	1,000	
" .....	From 80,601 to 81,600	1,000	
" .....	From 115,201 to 116,200	1,000	
	Cr.		814
	By licenses returned...	.....	
Tulare.....	From 15,201 to 15,500	300	300
	Cr.		170
	By licenses returned...	.....	
San Joaquin.....	From 15,501 to 15,800	300	300
	Cr.		204
	By licenses returned...	.....	
Sacramento.....	From 15,801 to 16,800	1,000	6,000
" .....	From 26,601 to 27,600	1,010	
" .....	From 45,401 to 45,900	500	
" .....	From 48,401 to 49,400	1,000	
" .....	From 83,101 to 84,100	1,000	
" .....	From 108,401 to 109,900	1,500	
	Cr.		1,767
	By licenses returned...	.....	
Merced.....	From 23,301 to 23,600	300	300
	Cr.		111
	By licenses returned...	.....	
Mono.....	From 76,401 to 76,600	200	200
	Cr.		37
	By licenses returned.... Bal. not accounted for.	.....	
Lassen.....	From 81,601 to 82,100	500	500
	Cr.		500
	By licenses returned.....	.....	

## STATEMENT—Continued.

Counties.	Numbers.	No. of Licenses.	Totals.
Alpine .....	From 111,701 to 112,200	500	500
	CR.		
	By licenses returned....	.....	500

The whole number of licenses issued for the foreign miners' license year commencing November fourteenth, eighteen hundred and sixty-four, and ending November twelfth, eighteen hundred and sixty-five, was ninety-nine thousand three hundred, (99,300,) and the number returned to this office by County Treasurers, of that year's issue, nineteen thousand four hundred and eleven (19,411.) The following statement exhibits the number of licenses sent to each County Treasurer, the numbers by which they were designated, and the number of licenses returned at the close of the foreign miners' license year:

Counties.	Numbers.	No. of Licenses.	Totals.
Klamath .....	From 1 to 500	500	
"	From 19,101 to 20,100	1,000	
"	From 53,601 to 54,600	1,000	
"	From 64,101 to 65,100	1,000	
	CR.		3,500
	By licenses returned....	.....	993
Del Norte.....	From 501 to 1,000	500	
"	From 77,101 to 78,100	1,000	
	CR.		1,500
	By licenses returned....	.....	725
Plumas .....	From 1,001 to 1,500	500	
"	From 18,101 to 19,100	1,000	
"	From 52,601 to 53,600	1,000	
"	From 73,101 to 74,100	1,000	
"	From 78,101 to 79,100	1,000	
"	From 88,301 to 89,300	1,000	
"	From 95,801 to 96,800	1,000	
	CR.		6,500
	By licenses returned....	.....	818
Siskiyou .....	From 1,501 to 2,500	1,000	
"	From 23,101 to 24,100	1,000	
"	From 32,101 to 33,100	1,000	
"	From 39,401 to 40,400	1,000	

## STATEMENT—Continued.

Counties.	Numbers.	No. of Licenses.	Totals.
Siskiyou .....	From 46,601 to 47,600	1,000	
"	From 59,101 to 60,100	1,000	
"	From 72,101 to 73,100	1,000	
"	From 76,101 to 77,100	1,000	
"	From 85,101 to 86,100	1,000	
"	From 91,801 to 92,800	1,000	
	CR.		10,000
	By licenses returned...	.....	293
Lassen .....	From 2,501 to 3,000	500	
	CR.		500
	By licenses returned...	.....	500
Shasta.....	From 3,001 to 3,500	500	
"	From 20,101 to 21,100	1,000	
"	From 45,401 to 46,400	1,000	
"	From 65,101 to 66,100	1,000	
"	From 86,101 to 87,100	1,000	
	CR.		4,500
	By licenses returned...	.....	290
Amador.....	From 3,501 to 4,500	1,000	
"	From 28,101 to 29,100	1,000	
"	From 41,401 to 42,400	1,000	
"	From 62,101 to 63,100	1,000	
"	From 82,101 to 83,100	1,000	
	CR.		5,000
	By licenses returned...	.....	715
Trinity .....	From 4,501 to 5,000	500	
"	From 24,101 to 25,100	1,000	
"	From 68,101 to 69,100	1,000	
"	From 84,101 to 85,100	1,000	
	CR.		3,500
	By licenses returned...	.....	418
Butte.....	From 5,001 to 6,000	1,000	
"	From 29,101 to 31,100	2,000	
"	From 42,401 to 44,400	2,000	
"	From 70,101 to 72,100	2,000	
"	From 93,801 to 94,800	1,000	
	CR.		8,000
	By licenses returned...	.....	970

## STATEMENT—Continued.

Counties.	Numbers.	No. of Licenses.	Totals.
Tuolumne .....	From 6,001 to 7,000	1,000	
" .....	From 35,101 to 36,100	1,000	
" .....	From 51,601 to 52,600	1,000	
" .....	From 63,101 to 64,100	1,000	
" .....	From 80,101 to 81,100	1,000	
" .....	From 97,801 to 98,800	500	
	Cr.		5,500
	By licenses returned...	.....	1,848
Mariposa.....	From 7,001 to 8,000	1,000	
" .....	From 54,601 to 55,600	1,000	
" .....	From 83,101 to 84,100	1,000	
	Cr.		3,000
	By licenses returned...	.....	710
Merced.....	From 8,001 to 8,500	500	
	Cr.		500
	By licenses returned...	.....	500
Fresno.....	From 8,501 to 9,000	500	
" .....	From 36,101 to 37,100	1,000	
" .....	From 98,301 to 98,800	500	
	Cr.		2,000
	By licenses returned...	.....	344
Placer.....	From 9,001 to 10,000	1,000	
" .....	From 25,101 to 27,100	2,000	
" .....	From 47,601 to 49,600	2,000	
" .....	From 66,101 to 68,100	2,000	
" .....	From 94,801 to 95,800	1,000	
	Cr.		8,000
	By licenses returned...	.....	2,160
Yuba .....	From 10,001 to 11,000	1,000	
" .....	From 33,101 to 35,100	2,000	
" .....	From 90,801 to 91,800	1,000	
	Cr.		4,000
	By licenses returned...	.....	598
Sierra .....	From 11,001 to 12,000	1,000	
" .....	From 49,601 to 51,600	2,000	

## STATEMENT—Continued.

Counties.	Numbers.	No. of Licenses.	Totals.
Sierra .....	From 87,301 to 88,300	1,000	
	Cr.		4,000
	By licenses returned...	.....	894
Nevada .....	From 12,001 to 13,000	1,000	
" .....	From 27,101 to 28,100	1,000	
" .....	From 40,401 to 41,400	1,000	
" .....	From 58,101 to 59,100	1,000	
" .....	From 69,101 to 70,100	1,000	
" .....	From 81,101 to 82,100	1,000	
" .....	From 96,801 to 97,800	1,000	
	Cr.		7,000
	By licenses returned...	.....	1,106
Calaveras .....	From 13,001 to 14,000	1,000	
" .....	From 31,101 to 32,100	1,000	
" .....	From 44,401 to 45,400	1,000	
" .....	From 61,101 to 62,100	1,000	
" .....	From 79,101 to 80,100	1,000	
" .....	From 92,801 to 93,800	1,000	
	Cr.		6,000
	By licenses returned...	.....	2,377
Tehama.....	From 14,001 to 14,300	300	
" .....	From 39,101 to 39,400	300	
	Cr.		600
	By licenses returned...	.....	135
Stanislaus .....	From 14,301 to 14,600	300	
" .....	From 87,101 to 87,300	200	
	Cr.		500
	By licenses returned...	.....	471
San Joaquin .....	From 14,601 to 14,900	300	
" .....	From 55,601 to 56,100	500	
	Cr.		800
	By licenses returned...	.....	489
Tulare.....	From 14,901 to 15,100	200	
	Cr.		200
	By licenses returned...	.....	50

## STATEMENT—Continued.

Counties.	Numbers.	No. of Licenses.	Totals.
El Dorado .....	From 15,101 to 17,100	2,000	
“ .....	From 21,101 to 23,100	2,000	
“ .....	From 37,101 to 39,100	2,000	
“ .....	From 56,101 to 58,100	2,000	
“ .....	From 74,101 to 76,100	2,000	
“ .....	From 89,301 to 90,800	1,500	
	CR.		11,500
	By licenses returned...	.....	1,063
Sacramento .....	From 17,101 to 18,100	1,000	
“ .....	From 60,101 to 61,100	1,000	
“ .....	From 98,801 to 99,300	500	
	CR.		2,500
	By licenses returned...	.....	874
Mono .....	From 46,401 to 46,600	200	
	CR.		200
	By licenses returned...	.....	70

For the foreign miners' license year, commencing November thirteenth, eighteen hundred and sixty-five, and ending November twelfth, eighteen hundred and sixty-six, thirty thousand nine hundred licenses—designated by numbers running consecutively from number one to number thirty thousand nine hundred inclusive—have been issued from this office to the Treasurers of the several counties in which foreign miners' licenses are sold.

I have the honor to be, very respectfully,

Your obedient servant,

GEORGE OULTON,  
State Controller.



WARRANT AND OTHER PAPERS

CONNECTED WITH THE

ARREST AND TRIAL OF D. O. McCARTHY.

WARRANT AND OTHER PAPERS

CONNECTED WITH THE

ARREST AND TRIAL OF D. O. MCCARTHY.

STATE OF CALIFORNIA, LEGISLATIVE DEPARTMENT, }  
Sacramento, February 21st, 1866. }

To JOHN H. MORAN,  
*Sergeant-at-Arms of the Senate of the State of California:*

The accompanying resolution was this day adopted by the Senate of said State.

S. P. WRIGHT,  
President pro tem of the Senate of the State of California.  
Attest: JOHN WHITE, Secretary.

STATE OF CALIFORNIA, }  
City of Sacramento, February 21st, 1866. }

WHEREAS, The Senate of the State of California, in an investigation then pending before said body, did have before them as a witness one Daniel O. McCarthy, and did then and there propose to said witness, Daniel O. McCarthy, certain questions, which questions were as follows:

And, whereas, the said Daniel O. McCarthy did then, and still does refuse to answer all or any of said questions below set forth, or any other question proposed in said investigation:

"Q.—(*By Senator Belden*)—Mr. Witness, in this article you state as follows:

"The information comes to us in a shape that induces us to have no doubt that there are seven subsidized scoundrels named among those who

voted to strike out the enacting clause of Mr. Smith's bill, and it will not surprise us to hear of their identification and exposure.'

"And in the same article you further say:

"Seven Senators are represented as having sold their votes for twelve thousand dollars each.'

"I now ask you if you know that to be the fact of any Senator on this floor?

"The witness declined to answer.

"Q.—(By Senator Belden)—I further ask you if you have any reason to believe that of any Senator on this floor?

"A.—I decline to answer at this time.

"Q.—(By Senator Belden)—I further ask you to name the Senators or any Senator referred to in this article?

"A.—I decline to answer at this time.

"Q.—(By Senator Belden)—I further ask you to name any person or persons from whom you have derived any information that any Senator has received any money or other consideration for voting against the repeal of the Specific Contract Act.

"A.—I decline to answer at this time.

"Q.—(By Senator Belden)—What reason have you, if any, for declining to answer?

"A.—My written statement is my answer to this question."

Therefore, Resolved by the Senate, That by his refusal to answer said questions, said Daniel O. McCarthy is guilty of a contempt of this Senate.

Resolved, Second, That the said Daniel O. McCarthy be by order of the Senate committed to the County Jail of Sacramento County, there to be detained in custody until he shall purge himself of his said contempt by answering the above specified questions; and that the said Daniel O. McCarthy be forthwith arrested by the Sergeant-at-Arms of the Senate, and delivered into custody of the Sheriff of Sacramento County, together with a proper commitment of the said McCarthy, to be signed by the President of the Senate—which, among other things, shall recite this resolution.

The foregoing is a correct copy of resolutions adopted by the Senate February twenty-first, eighteen hundred and sixty-six.

S. P. WRIGHT,

President pro tem of the Senate of the State of California.

Attest: JOHN WHITE, Secretary.

OFFICE OF THE SERGEANT-AT-ARMS OF THE SENATE }  
Of the State of California.

I executed the within order of the Senate, by arresting the within named D. O. McCarthy, and delivering him into the custody of James McClatchy, Sheriff of the County of Sacramento, State of California, on the twenty-second day of February, A. D. eighteen hundred and sixty-six.

JOHN H. MORAN,

Sergeant-at-Arms of the Senate of the State of California.

STATE OF CALIFORNIA, }  
City of Sacramento, February 21st, 1866. }

By authority of the Senate of the State of California, and by virtue of the authority in me vested as President pro tem thereof, John Moran, Sergeant-at-Arms, you are hereby commanded to summon D. O. McCarthy, of San Francisco, to appear forthwith before the Senate, to answer touching certain matters of inquiry in regard to the alleged bribery of the members of the Senate upon the bill to repeal the Specific Contract Act, as charged in the *Daily American Flag*, of date February seventeenth, eighteen hundred and sixty-six.

Herein fail not, and make return of the summons.

Witness my hand, at the City of Sacramento, this twenty-first day of February, eighteen hundred and sixty-six.

S. P. WRIGHT,  
President pro tem.

Attest: JOHN WHITE, Secretary.

February 21st, 1866.

I hereby certify that the within named D. O. McCarthy accepted service of the within resolution, after reading the same in my presence, and is now at the bar of the Senate.

JOHN H. MORAN,  
Sergeant-at-Arms.

February 21st, 1866.

I hereby certify that the within named D. O. McCarthy accepted service of the within resolution, after reading the same in my presence.

G. C. HASWELL,  
Sergeant-at-Arms for Committee.

SENATE CHAMBER, }  
February 21st, 1866. }

The Senate on this day suspended the rules, on the motion of Mr Shaw, and the Committee of Investigation were instructed to retain D. O. McCarthy, as a witness, until to-morrow.

S. P. WRIGHT,  
President pro tem of the Senate.

Attest: JOHN WHITE, Secretary.



PROCEEDINGS  
OF  
SPECIAL COMMITTEE OF INVESTIGATION  
ON CHARGES MADE BY THE  
EDITOR OF THE "AMERICAN FLAG."

## PROCEEDINGS OF SPECIAL COMMITTEE.

SACRAMENTO, CALIFORNIA. }  
Monday, March 19th, 1866. }

In obedience to the following resolution of the Senate, this day adopted:

"*Resolved*, That the committee heretofore appointed to investigate said charges," [charges made by the *American Flag* newspaper,] "do at once proceed with their duties; that they be empowered to send for such persons and papers, and to visit such places as they may deem requisite, and that they do particularly examine Daniel O. McCarthy, under oath, as a witness in said matter; and said committee are further directed to report with all convenient dispatch to the Senate."

The committee met at Odd Fellows' Building, on Fourth street, at seven o'clock P. M.

Present—Messrs. Lovett, Heacock, and Freeman.

On motion of Mr. Heacock, Mr. Lovett was selected as Chairman.

Mr. Heacock moved that the testimony taken before the committee be kept secret until the committee report the same; which motion was unanimously agreed to.

Daniel O. McCarthy, having previously been summoned as a witness before the committee, was present, accompanied by J. W. Coffroth, Esquire, an attorney and counsellor at law of this city.

Mr. Coffroth stated to the committee that he appeared as attorney for Daniel O. McCarthy, and desired to be informed, before the investigation proceeded, whether or not the committee would permit said McCarthy to appear by counsel.

There being no objection, the committee directed that the witness McCarthy be allowed counsel while appearing as a witness before this committee.

Mr. Coffroth, as counsel for the witness, asked for a copy of the preamble and resolutions this day adopted by the Senate, and under which the committee were acting. A messenger was sent to obtain a copy, but Mr. Coffroth subsequently withdrew the request.

Mr. Coffroth made a statement in behalf of the witness, to the effect that the statements made in his newspaper came to him from the most reliable sources, but most of the matters which he had desired to disclose to the committee were such as would be termed in Courts "hearsay" evidence, having been derived from private as well as public communications; that he had felt it his duty as a public journalist to call the attention of the Senate, as well as of the people of the State, to what he believed to be an outrage upon the public; that at the time of making the publication he was in possession of facts pertaining to the charges which had come to him from the mouths of about two hundred witnesses, in San Francisco and other portions of the State; that he had the names of those witnesses, and was fully prepared when first summoned to give them to the committee and go into a full investigation; that having since been unjustly incarcerated by the Senate four or five weeks, he had been unable to consult his witnesses or bring together their evidence; that he had been taken by surprise by the action of the Senate, by which he was released about one o'clock this afternoon from the County Jail; that he was therefore not prepared to testify at this time; and that he now asked the committee for an adjournment until day after to-morrow, at such hour as would suit their convenience, when he would come before the committee with such statements as he (Mr. Coffroth) thought would be acceptable to the committee. He (Mr. Coffroth) thought that was a very early and brief period of time for the witness to be prepared to submit the names of the witnesses he might think proper to bring forward, and his own statement, and he asked that a continuance be granted for that purpose. The witness did not desire to give the names of the witnesses in detail, but one at a time, so that they might be called in before the committee in detail; and after his long incarceration it was utterly impossible for him to proceed to-night.

The witness also made some remarks, referring to his imprisonment and the circumstances attending and preceding it, and generally re-affirming what had been said by his counsel. He said in conclusion:

"I am unprepared to-night to proceed with the investigation, and I do not think that, in justice to myself, I should give any testimony to-night. I will be prepared day after to-morrow to make a statement to be read, and go ahead with the investigation; I am not prepared to do it to-night."

After discussion by the committee:

*Mr. Heacock.*—I move that we proceed with the investigation.

The motion was agreed to, there being no objection.

Andrew J. Marsh, who had been appointed Shorthand Reporter for the committee, was duly sworn.

*Mr. Coffroth.*—I state, as I stated before, I mean no contempt of the committee, but we are unprepared to go on to-night, and cannot do so. With the highest respect to the committee, collectively and individually, we decline going on to-night for the reasons already given.

*The Chairman.*—(rising and addressing the witness.)—Mr. McCarthy, be sworn.

*The Witness.*—Mr. Chairman, and gentlemen of the committee: I most respectfully decline to go into an examination to-night. You have just this moment released me from incarceration in the County Jail; I have been incarcerated there for this month past, and I do not feel prepared to go into an examination and proceed with the investigation to-night.

I do not know what has been done with the witnesses since my incarceration; I do not know whether I can get them or not; and I do not know, under the circumstances, without having a little time to consider that subject, that I ought to give any testimony at all. By having a little time, as we have asked, to reflect and consider the matter, I will be ready and prepared to go into the investigation. And, first, before going into it, I desire to have it distinctly understood that there is to be a full, fair, and impartial investigation. I do not desire that this committee shall examine me, and one or two others, and then hastily report to the Senate, in order that the Senate may get out of the scrape. As I have before stated, that I do not intend to allow. I simply desire time to be prepared to come before the committee to testify, and to produce such other witnesses as I think it necessary to substantiate everything I have said in the paper.

*The Chairman.*—Do I understand you to say you object to being sworn?

*The Witness.*—I do, at this time.

*The Chairman.*—The very object you mention, namely, to have a thorough investigation of this matter, it seems to me would be rather against the proposition to adjourn now for forty-eight hours, for we need all the time we can have, if we want to examine all the witnesses.

*The Witness.*—That is what I desire; at the same time I desire to be protected. I do not intend that the Senate shall have any advantage of me in this investigation. And here I would like to ask whether you constitute the entire committee?

*The Chairman.*—There is one more—Mr. Ewer.

*The Witness.*—I prefer that the whole of the committee should be present.

*The Chairman.*—There is a quorum.

*The Witness.*—I prefer the whole.

*Mr. Coffroth.*—If he makes any statement, of course it will be reported to the Senate, and then if he is not able to substantiate it he will be liable for it. All you who are lawyers know that no continuance will be granted when the witness is beyond the jurisdiction of the Court.

*Mr. Heacock.*—I understand that the witness is unwilling to be sworn at this time, but willing to be day after to-morrow. Could not you fix it to-morrow, Mr. McCarthy?

*The Witness.*—No, Sir; I could not possibly be ready until day after to-morrow.

*Mr. Heacock.*—At what hour?

*The Witness.*—Set your own hour.

The witness made some further remarks as to the action of members of the committee in voting in the Senate for his imprisonment for contempt.

*Mr. Heacock.*—As the witness refuses to testify to-night, I move that the committee adjourn until nine o'clock on Wednesday morning, and that Mr. McCarthy be cited to appear before the committee at that time.

The motion was agreed to, and the committee accordingly adjourned.

WEDNESDAY, March 21st, 1866.

The committee met pursuant to adjournment.  
Present—Messrs. Lovett, Heacock, and Freeman.

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The witness, D. O. McCarthy, was in attendance, accompanied by his counsel, Mr. Coffroth.

*Mr. Coffroth.*—In order to make the record up, I wish to have entered our objections to the sufficiency of the summons. We have appeared here, not in answer to the summons, but as a matter of politeness to the committee. The summons is insufficient in many particulars, none of which I will state; and the return is improper, and not in accordance with the statute, which provides the mode and manner of the return, and it is made by an executive officer not known to the law.

George C. Haswell, the Sergeant-at-Arms of the Committee, asked leave to amend the return, which was granted.

*Mr. Heacock.*—It makes no difference as to the summons, inasmuch as the witness is here.

*Mr. Coffroth.*—I have a communication to make to the committee in regard to the course we intend to pursue. I will read it, if you wish to hear it.

Mr. Coffroth presented and read a communication in behalf of the witness, declining to testify, and stating reasons therefor.

*Mr. Heacock.*—Mr. Chairman, I propose to swear Mr. McCarthy.

*Mr. Coffroth.*—In accordance with that communication, I have instructed Mr. McCarthy not to be sworn.

*The Chairman.*—You refuse to be sworn, do you, Mr. McCarthy?

*The Witness.*—Yes, Sir.

*Mr. Coffroth.*—And giving his reasons in writing.

*The Witness.*—According to that communication.

The witness and his counsel retired.

The committee adjourned.

Testimony in the McCarthy Investigation.

## TESTIMONY.

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SAN FRANCISCO, Friday, March 23d, 1866.

Present—Hon. Seneca Ewer of Butte, and Hon. E. H. Heacock of Sacramento, of committee.

This investigation was conducted in pursuance of the original resolution, appointing Messrs. Ewer, Heacock, Lovett, Freeman, and Smith to investigate certain charges made against certain Senators, in the *American Flag*, of which Daniel O. McCarthy was, as stated in the resolution, the reputed editor;

Also in pursuance of a resolution offered in the Senate by Mr. Belden, on the nineteenth of March.

George C. Haswell, Sergeant-at-Arms, was sworn by the Chairman of the committee, Honorable Mr. Ewer, to faithfully discharge the duties of his office.

Robert S. More, phonographic reporter, was sworn to make a correct report of testimony in the case.

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### TESTIMONY OF W. C. RALSTON.

W. C. Ralston, called by the committee, sworn, and examined:

Q.—(*By Mr. Ewer*)—What is your occupation?

A.—I am a banker, and Cashier of the Bank of California.

Q.—Can you state any facts in reference to the charges made in that paper? [Handing witness paper entitled "The price of the California Senate, \$108,000."]

A.—I did not read this; the articles on it I have read.

Q.—State, in connection with that subject, any knowledge that you have appertaining to it?

A.—Previous to the meeting of the Legislature at all, and during the election, we had informed ourselves very thoroughly of the way that the Legislature stood upon this question, viz: the Specific Contract Law. We were entirely convinced and satisfied beyond question, that so far as the Senate was concerned, there was no possibility of the repeal of that

law. We stated in every case to our friends, when applied to for information in reference to the matter, that in our judgment there was no possibility of the law being repealed; and under no circumstances would we spend one dollar in the case, in any shape, manner, or form, directly or indirectly—and we have not. As to any meeting alluded to in that document, by bankers, it is wholly false in every respect and shape whatever.

Q.—As far as you are concerned?

A.—As far as we are concerned; we at the same time know there is nothing of the kind, because in all these matters the bankers are connected as units; and it was left with us to act as we thought best; and under no circumstances was there anything done so far as any payment of money, or any influences exercised in any way, shape, or form, other than those in conversation.

Q.—(By Mr. Heacock)—Do you know of any agents which you have sent to Sacramento during the session of the Legislature?

A.—None, Sir.

Q.—I mean any agents or others sent by the banks from San Francisco to Sacramento to prevent the repeal of the Specific Contract Law?

A.—Not in a single instance, except our friends going there informing us as to what transpired as to the progress of legislation on the subject.

Q.—Do you know of any money being raised or subscribed by any person whatever to this purpose?

A.—I think I can safely say I know that not a dollar has been raised or subscribed for the reason that I stated. The entire delegation from San Francisco notified us repeatedly under no circumstances to allow anybody to influence us to spend one dollar in any shape, manner, or form; it was done not only once, but repeatedly; we assured them that under no circumstances had we spent or would we spend money.

Q.—(By Mr. Ewer)—Did the delegation notify you that it was unnecessary to take any action on the matter, that there was no danger of the repeal?

A.—They did, repeatedly; that there was no necessity of our acting or doing anything, and advised us to keep perfectly quiet and say nothing; and there was really nothing to be said or done in the matter; we acted upon their advice and did nothing.

Q.—Do you know anything as to the charge that seven Senators were bribed?

A.—The whole thing was characterized as being simply ridiculous—known to be absolutely false.

#### TESTIMONY OF DANIEL MEYER.

Daniel Meyer, called by the committee, sworn, and examined:

Q.—(By Mr. Heacock)—What is your business?

A.—I am engaged in money lending.

Q.—Did you know of any money being raised by bankers, commission merchants, importers, or anybody else in this city, to prevent the repeal of the Specific Contract Act?

A.—I can only answer for myself, that, so far as I know, nobody ever asked a cent from me.

Q.—State about the amount of your business?

A.—Say three hundred thousand dollars a month.

Q.—(By Mr. Ewer)—I understand, then, that no money was paid or subscribed in your house for that purpose.

A.—No, never.

Q.—(By Mr. Heacock)—It never was asked?

A.—It never was asked.

Q.—Was there any meeting of bankers or commission merchants in regard to this matter?

A.—Not that I know of.

Q.—If there had been any such meeting would you have been likely to be informed of it?

A.—Well, if they want any money they generally come to me.

#### TESTIMONY OF R. G. SNEATH.

R. G. Sneath, called by the committee, sworn and examined:

Q.—(By Mr. Heacock)—What is your business?

A.—My business is scattered. I have a wholesale house here; I have one in Virginia City; one at Red Bluff; one at Portland, Oregon. I am a wholesale grocer, and partial importer. I know nothing whatever about the matter inquired of; I do not know of a dollar being raised for the purpose of preventing the repeal of the Specific Contract Act. I will state a little exception. I was appointed a member of the committee of the Chamber of Commerce, for the purpose of drawing up an argument in this case, which we sent copies of to the Legislature. In getting them up, you are all aware that it is necessary for somebody to meet the incidental expenses. I paid my proportion of them; I got names together; I got the names from the country. I forget what expense it was; it was a mere trifle. I suppose the Chamber of Commerce would refund it to me if I asked for it. It is a matter of general interest, and everybody would consider it a public good; it is always incidental to arrangements of this kind. With that exception, I do not know of a single dollar that has been paid in any way in connection with this bill before the Legislature.

Q.—(By Mr. Ewer)—Do you know of any money being subscribed?

A.—No, Sir; not a dollar. I never heard the idea broached of raising a dollar for this purpose. I took the ground positively that it would not be necessary for us to do anything in the way of money; if we wanted to do anything, we had to do it in the shape of argument. I took that ground before the Chamber of Commerce at the meeting held in reference to this subject. I took that ground months before the Legislature convened; and this argument that was sent by the Chamber of Commerce was got up perhaps two months before the Legislature convened.

Q.—Did you ever hold any meeting, or do you know of any meeting being held, for the purpose of raising money?

A.—No, Sir.

Q.—(By Mr. Heacock)—If there had been one would you have been likely to have known it?

A.—I would have been very apt to. I subscribe to almost everything that comes along, being a member of the Chamber of Commerce.

Q.—(*By Mr. Ewer*)—What was your information from the delegation from this place on that subject, in reference to the probability of the repeal of the Act?

A.—The first positive information we had was that there was no chance whatever of its repeal. Mr. Tubbs wrote me a note, stating that there was no possible chance of the repeal of that Act. I have been at meetings of the Chamber of Commerce, and other meetings on public matters among the citizens.

Q.—In connection with that, you say you have always advised against raising money for this purpose?

A.—Against raising money in any shape whatever for the purpose of influence. I might add that I do not know of any effort of that kind being made, and always took ground against it, because that is one way a great many have for pushing their claims through the Legislature; it is a very common method.

#### TESTIMONY OF B. M. HARTSHORN.

B. M. Hartshorn, called by the committee, sworn, and examined:

Q.—(*By Mr. Heacock*)—What is your business?

A.—I am President of the Steam Navigation Company.

Q.—Do you know of any money being raised, or proposed to be raised, or subscribed, from any individual or any set of men, to prevent the repeal of the Specific Contract Act?

A.—No, Sir, I do not; I never heard the subject broached in any way or shape.

Q.—If such propositions had been made, would you have been likely to have known it?

A.—I think I should.

Q.—Have you been called upon to subscribe in any manner?

A.—No, Sir.

Q.—(*By Mr. Ewer*)—You know nothing of the charges made here?

A.—No, Sir; I do not think I do; I have seen some few *Flags*.

#### TESTIMONY OF JONATHAN HUNT.

Jonathan Hunt, called by the committee, sworn, and examined:

I am President of the Pacific Insurance Company.

Q.—(*By Mr. Ewer*)—I will ask you whether you know of any such moneys [referring to paper which has been explained to witness] being raised?

A.—I do not know at all, either directly or indirectly; all I know about it is what I have heard said in relation to this charge; I have no knowledge otherwise.

Q.—Have any meetings ever been called here for that purpose to your knowledge?

A.—Not to my knowledge.

Q.—Had there been, would you have been likely to have known it?

A.—I think I should have been as likely as most; there is no particular reason why I should or should not, that I am aware of. I am generally posted as to what is going on in town.

#### TESTIMONY OF C. T. FAY.

C. T. Fay, called by the committee, sworn, and examined:

Q.—(*By Mr. Heacock*)—What is your business?

A.—I am President of the Union Insurance Company.

Q.—Are you a member of the Chamber of Commerce?

A.—No, Sir; I am a merchant of this city, or formerly was, before I went into my present business; have been for a great many years.

Q.—Do you know of any money being raised, or proposed to be raised, or subscribed by anybody, to aid in preventing the repeal of the Specific Contract Act?

A.—I do not know of a dollar, either directly or indirectly.

Q.—If there had been such propositions made, would you have been likely to have known it from your business relations in the community?

A.—I think I should.

#### TESTIMONY OF NICHOLAS LUNING.

Nicholas Luning, called by the committee, sworn, and examined:

Q.—(*By Mr. Heacock*)—What is your business?

A.—I am a banker.

Q.—Do you know of any money being raised, or proposed to be raised, or subscribed by any person, to prevent the repeal of the Specific Contract Act?

A.—No, Sir.

Q.—(*By Mr. Ewer*)—Do you know of any public meetings held for that purpose?

A.—No, Sir.

Q.—Was there any meeting of bankers, importers, and merchants, at any time during the session, after a certain caucus held in Sacramento, where this paper says there appeared to be one vote in the majority in favor of the repeal?

A.—There was no meeting. I know of no meeting, either private or public, for that purpose.

## TESTIMONY OF ABRAM SELIGMAN.

Abram Seligman, called by the committee, sworn, and examined:

Q.—(*By Mr. Ewer*)—You are a merchant?

A.—Yes, Sir.

Q.—Are you a member of the Chamber of Commerce?

A.—Yes, Sir.

Q.—Do you know of any money being raised or proposed to be raised to prevent the repeal of the Specific Contract Act?

A.—No, Sir.

Q.—Do you know of any meeting held by bankers, importers, merchants, or others, for the purpose of raising money?

A.—No, I do not.

Q.—Do you know of any subscriptions for that purpose that have been circulated in San Francisco?

A.—No, Sir.

Q.—If there had been any subscriptions raised, would you have been likely to have known it?

A.—I presume I would have been informed of it; I have been very fortunate in that respect. I think there is no truth whatever in the statement of McCarthy, that there has been money raised here for the purpose of defeating the repeal. I do not say that he intentionally told a falsehood; it may have been stated to him by some parties; there is no truth in it so far as I know. I know if anything had been going on they would have called upon me.

## TESTIMONY OF N. G. KITTLE.

N. G. Kittle, called by the committee, sworn, and examined:

Q.—(*By Mr. Heacock*)—What is your business?

A.—Commission merchant; one of the firm of De Witt, Kittle & Company.

Q.—Do you know of any money being raised or subscribed, or used by any man or set of men, among the bankers, merchants, or importers of this place, to prevent the repeal of the Specific Contract Act?

A.—No, Sir.

Q.—If there had been any such subscriptions made, would you, from your business relations, have been likely to know it?

A.—I would. There are not many subscriptions but what we are called upon for.

## TESTIMONY OF FREDERICK L. CASTLE.

Frederick L. Castle, called by the committee, sworn, and examined.

Q.—(*By Mr. Heacock*)—What is your business?

A.—Wholesale grocer; firm of Castle Brothers. I am a member of the Chamber of Commerce.

Q.—Do you know of any money being raised or subscribed or used for the purpose of aiding to prevent the repeal of the Specific Contract Act?

A.—I do not.

Q.—If there had been any moneys subscribed, or any propositions of the kind made, would you have been likely to have known it from your business relations here in San Francisco?

A.—Very likely.

## TESTIMONY OF WILLIAM H. TILLINGHAST.

William H. Tillinghast, called by the committee, sworn, and examined.

Q.—(*By Mr. Heacock*)—What is your business?

A.—Manager of the Bank of British Columbia.

Q.—Do you know of any money being raised or subscribed by any person or persons, or attempted to be raised or subscribed, for the purpose of aiding to prevent the repeal of the Specific Contract Act?

A.—I do not. I never heard of anything.

Q.—If there had been any such efforts made, would you have been likely to have known it from your business relations in the community?

A.—I think so, unquestionably.

## TESTIMONY OF D. O. MILLS.

D. O. Mills, called by the committee, sworn, and examined:

Q.—(*By Mr. Heacock*)—You are President of the Bank of California?

A.—Yes, Sir.

Q.—Do you know of any proposition being made to subscribe or raise money, or of any money being in fact subscribed and raised, to prevent the repeal of the Specific Contract Act?

A.—I do not.

Q.—Do you know of any meetings being held by the bankers, commission merchants or others, for the purpose of considering the raising of money?

A.—No, Sir; on the contrary, I know whenever the matter of the repeal of the Specific Contract Law was discussed, which we were opposed to, it was always stated that they would not do anything of the kind in any way.

Q.—Were you informed early in the session, by your delegation, as to how the Senate probably stood upon the question?

A.—It was generally understood that some portions of the session it was considered very nearly a tie vote—that it was a very close vote; at other times it was considered that the vote was against the repeal.

Q.—Was it ever considered as being positively in favor of the repeal?

A.—I do not know that it was. It was considered that there would be a very close vote, and the bill was in danger; it was always decided, whenever it was discussed, that there should be no money used—that nothing of the kind would be attempted.



Q.—(*By Mr. Ewer*)—Were you ever advised by the delegation that it was necessary to take any action in the matter, to defeat the repeal of that Act?

A.—No, Sir; on the contrary, the delegation from this city thought it was not necessary; they all considered that there was no necessity for any anxiety.

Q.—(*By Mr. Heacock*)—If there had been any such efforts made, or any such proposition made, would you have known it?

A.—We would have been almost certain to have known it; in fact, I may say, certain.

Q.—You say that no propositions of the kind were ever discussed or canvassed?

A.—No, Sir.

#### TESTIMONY OF WILLIAM H. L. BARNES.

William H. L. Barnes, called by the committee, sworn, and examined:

Q.—(*By Mr. Heacock*)—What is your business?

A.—I am a lawyer.

Q.—Do you know of any meetings being held, or any money being subscribed or raised, or proposed to be subscribed or raised, to prevent the repeal of the Specific Contract Act?

A.—No, Sir.

Q.—Are you, as attorney, connected with various mercantile and other corporations?

A.—Yes, Sir; my business relations have been very close with a number of the largest corporations and business men in San Francisco; and I have been on very intimate terms with Mr. Ralston, Cashier, and Mr. Mills, President of the Bank of California. I have heard this subject of the repeal of the Specific Contract Law repeatedly discussed, and I never heard a suggestion made by anybody looking in the slightest degree toward the raising of money, or the expenditure of money to defeat Mr. Smith's bill. On the contrary, the declaration has been from first to last, that not a dollar would be paid to anybody, for any purpose—directly or indirectly—connected with the legislation on that subject. I know that if there had been a dollar paid, I should have known it, for with reference to all matters affecting corporations, I have had a great deal to do. I was in Sacramento, and in the Senate, during nearly all the time when that subject was agitated, and I never heard the subject suggested in any way, near or remote. Mr. Ralston, in conversing on the subject with me, has repeatedly stated—and that before it was known or believed what the vote would be in the Senate—that they never would give a dollar, or yield to a demand, if any should be made, for the payment of one single cent. I know that no demand was ever made. I know that members of our delegation repeatedly stated to me, and repeatedly wrote to the bankers and others here, that they could take care, and would take care, of what they considered to be the interests of the State, and did not consider that anybody here had any occasion to feel any solicitude whatever upon the ultimate sense of the Senate upon that subject. Mr. Ralston's position and views on this subject were identical with those of the leading financial men and moneyed corporations of this city. I make this statement thus at length, because it was

stated in the editorials, and in the correspondence, I believe, of the *American Flag*, that I had been employed for the purpose of attending to the matter of this bill, and had been paid as the agent of the Bank of California, and others, for that purpose. I never *was* employed; I never *was* paid; I never canvassed a vote; I never solicited or conversed with a member of the Senate on this subject, except Mr. Tubbs and Mr. Dodge, and their views were to the effect I have stated.

#### TESTIMONY OF ALBERT MILLER.

Albert Miller, called by the committee, sworn, and examined:

Q.—(*By Mr. Heacock*)—What is your business?

A.—I am President of the California Insurance Company.

Q.—Do you know of any money being raised or subscribed, or any propositions made to raise or subscribe money, for the purpose of preventing the repeal of the Specific Contract Act?

A.—No, Sir.

Q.—From your business relations in the community in San Francisco, if such propositions had been made or action taken, would you have been likely to have known it?

A.—I think so.

Q.—Are you a member of the Chamber of Commerce?

A.—Yes, Sir.

#### TESTIMONY OF LLOYD TEVIS.

Lloyd Tevis, called by the committee, sworn, and examined:

Q.—(*By Mr. Heacock*)—What is your business?

A.—I am engaged in the use of money.

Q.—Did you ever use any of it to prevent the repeal of the Specific Contract Act?

A.—I never did.

Q.—Do you know of anybody else who did?

A.—I do not.

Q.—Do you know of any proposition being made to subscribe or raise money for that purpose?

A.—I never heard of a proposition to raise money for that purpose.

Q.—(*By Mr. Ewer*)—You never knew of any subscription list for that purpose?

A.—Never.

Q.—(*By Mr. Heacock*)—Do you know of any efforts looking to that end?

A.—I never knew of any.

Q.—If there had been any, would you have been likely to have known it?

A.—I think probably I would.

## TESTIMONY OF JAMES OTIS.

James Otis, called by the committee, sworn, and examined :

Q.—(*By Mr. Heacock*)—What is your business?

A.—Commission merchant, importing merchant; I am in the house of Macondray & Co.

Q.—Are you a member of the Chamber of Commerce?

A.—Yes, Sir.

Q.—Do you know of any proposition being made to raise money, to subscribe money, or of any money being raised or subscribed to prevent the repeal of the Specific Contract Act?

A.—I do not know of a dollar; I never was asked to subscribe; never had the thing intimated to me in any way or shape; I do not know that anything was raised.

Q.—From your business relations in the community, would you have been likely to know it, if it had been raised?

A.—My opinion is, I should have known it if it had been raised; there is very seldom anything occurs, where money is to be raised, but Macondray & Company are asked to subscribe their share. I do know they never were asked to do this.

Q.—Was there ever any anxiety in this community from the fear that the Act would be repealed? Did you ever fear that it would be?

A.—I cannot say, hardly, that the community feared it would be repealed.

Q.—What was your information from the delegation on that subject?

A.—We labored under the impression that it would not be repealed, although at first we felt anxious about it.

Q.—I asked whether you were alarmed, or feared the repeal from anything which you could learn from that source?

A.—No, Sir.

## TESTIMONY OF G. DUSSON.

G. Dussion, called by the committee, sworn, and testified :

I am the attorney of Abel Guy; he is a banker.

Q.—(*By Mr. Heacock*)—Do you know of any propositions having been made to subscribe or raise money, or of any money being raised or subscribed, to prevent the repeal of the Specific Contract Act?

A.—No, Sir.

Q.—Do you know of any meetings being held by the bankers, importers, commission merchants, or others, for that purpose?

A.—No, Sir.

Q.—From your relations in the business community, would you have been likely to have known it if any such thing had been done?

A.—Yes, Sir.

Q.—Was there any talk of the kind?

A.—Not that I heard.

## TESTIMONY OF LOUIS McLANE.

Louis McLane, called by the committee, sworn, and testified :

I am express agent and banker.

Q.—(*By Mr. Heacock*)—Do you know of any proposition being made to raise or subscribe money, or of any money being raised or subscribed, to prevent the repeal of the Specific Contract Act?

A.—I do not.

Q.—Or to oppose its repeal?

A.—I do not.

Q.—Or to be paid to parties to advocate its retention?

A.—I do not.

Q.—From your business relations with the community, would you have been likely to have known it if such steps had been taken?

A.—I do not think it possible to have raised the money without my knowing it.

Q.—Do you know of any meetings of bankers, importers, commission merchants, or others, for the purpose of considering such action or such propositions?

A.—I have had several meetings with associates in business in regard to what steps it was best to take to prevent the repeal of the Specific Contract Law. It is proper to say that I was absent from the State during October, November, and December. I returned here from the east, late in December; and some of my friends, associates in business, were waiting for my return, to confer and agree what was best to be done, because, when I left, it was thought that we ought to do all we legitimately could do to prevent its repeal. In these interviews, held the last week in December and the first week in January, we agreed that if they wanted to repeal the law they might do so, as far as we were concerned; certainly, we would not subscribe a cent, in any way, shape, or form; that was my deliberate judgment. And we never were approached for money; we never were asked to give money; but among my associates, what we met to confer upon was: "What shall we do? what is best to be done, under the circumstances?" because, of course, we knew it would affect business relations. We decided we would not do anything except use argument; that we would not raise any money. I know it is generally considered that a banker will spend money to obtain anything he wants, or pass anything that is going to affect his interests, and therefore we would have been approached if parties had wanted money. We were never approached; and we decided if we should be approached, never to pay a cent, under any circumstances. I told several members of the Senate, when the Act for the repeal was agitated, that it would have to be repealed on its merits; so far as the bankers of San Francisco were concerned, they had determined to use nothing but their own judgment. The only ones of the delegation I ever talked with thought there was no danger at all of the repeal; they thought, whenever it came to a vote, there would be a very decided majority against it. I had quite a talk with Judge Hager, whom I have known for a great many years.

William H. L. Barnes put the following questions to the witness:

Q.—I want to call the attention of Mr. McLane to this: He said he made a remark to several Senators that no money would be spent; that would seem to imply that money was suggested?

A.—No, not by Senators—several *bankers*. I talked with several members of the Legislature, of course—Judge Hager, Mr. Howard, Mr. Wadsworth, Mr. Dornin.

Q.—They never suggested anything of the kind?

A.—Not at all; they discussed it upon its merits, what effect it would have upon business, and their judgment was, that whenever it came to a vote, it would be defeated.

#### TESTIMONY OF PETER H. BURNETT.

Peter H. Burnett, called by the committee, sworn, and testified:

I am a banker; I am President of the Pacific Bank.

Q.—(*By Mr. Heacock*)—Do you know of any proposition to raise or subscribe money, or of any money being raised or subscribed, to prevent the repeal of the Specific Contract Act this winter?

A.—No, Sir; I do not.

Q.—Do you know of any propositions of the kind?

A.—No, Sir; I do not know of any propositions of the kind. I had a conversation with D. O. Mills, President of the Bank of California, some time in August last, during the canvass here for members of the Legislature, and I told him that it had been my plan through life never to give anything to influence legislation in any form whatever, and he agreed with me in that sentiment. That is the only conversation I have had with anybody on the subject. Our bank has never given anything since I have been connected with it, and I was with it from the beginning.

Q.—Do you know of any meetings being held by bankers, commission merchants, or others, for the purpose of considering that subject?

A.—I do not.

Q.—If there had been any such meetings would you have been likely to have known it?

A.—I should have heard of it, but I do not think I should have known it otherwise.

Q.—Have you heard of any such meetings?

A.—I have not, except from newspaper reports.

Q.—But not from those whom you are acquainted with in business?

A.—No, Sir.

#### TESTIMONY OF O. P. SUTTON.

O. P. Sutton, called by the committee, sworn, and testified:

I am Secretary of the Pacific Bank.

Q.—(*By Mr. Heacock*)—Do you know of any proposition being made to raise or subscribe, or of any money being raised or subscribed, to prevent the repeal of the Specific Contract Act?

A.—I do not.

Q.—Do you know of any meetings being held for that purpose?

A.—No, Sir.

Q.—Would you have been likely to have heard of them, if such meetings had been held?

A.—I think I should.

#### TESTIMONY OF J. MORA MOSS.

J. Mora Moss, called by the committee, sworn, and testified:

I am President of the State Telegraph Company.

Q.—(*By Mr. Heacock*)—Do you know of any propositions being made to raise money or subscribe money to prevent the repeal of the Specific Contract Act?

A.—None whatever.

Q.—Do you know of any meetings being held to consider propositions of that kind?

A.—Never.

Q.—Would you have been likely to have known it, if such meetings had been held, from your business connections in the community?

A.—I think so—yes, Sir. There is nothing that I know in regard to it at all, so far as any meetings of that kind are concerned. I, of course, have been opposed to the repeal of the Specific Contract Law, and used exertion with friends of mine; but I do not think that at this session I have spoken with a single member of the Legislature on that subject.

Q.—State what was the general feeling in the community here before and pending the question in the Legislature?

A.—It was to prevent the repeal.

Q.—But was there a feeling of security that it would not be repealed, previous to the meeting of the Legislature?

A.—The general feeling was that it would not be repealed.

#### TESTIMONY OF WILLIAM A. BARRON.

William A. Barron, called by the committee, sworn, and testified:

My business is making money in whatever way I can make it profitably; no particular business.

Q.—(*By Mr. Heacock*)—Have you made use of any of it to prevent the repeal of the Specific Contract Act?

A.—No, Sir.

Q.—Are you a Trustee and stockholder of the Bank of California?

A.—I am.

Q.—Do you know of any money being raised or subscribed by any person or persons to prevent the repeal of the Specific Contract Act?

A.—None whatever.

Q.—Do you know of any propositions of that kind being made?

A.—I have not heard a word on the subject.

Q.—If there had been such propositions made, from your business relations in the community would you have been likely to have known it?

A.—Certainly, particularly if the Bank of California had anything to do with it, I would have known it.

Q.—But no such propositions were made that you knew of or heard of?  
A.—Not a syllable.

### TESTIMONY OF JOSEPH A. DONAHUE.

Joseph A. Donahue, called by the committee, sworn, and testified:

I am a banker.

Q.—(By Mr. Heacock)—Do you know of any proposition to raise or subscribe any money, or of any money being raised or subscribed by any person or persons in San Francisco or elsewhere, to prevent the repeal of the Specific Contract Act?

A.—I do not.

Q.—Have you heard from any reliable person of any such proposition being made?

A.—I have not.

Q.—Do you know of any meetings being held by the bankers, importers, or others, for the purpose of considering propositions of that character?

A.—I have not heard.

Q.—Would you have been likely to have heard of such propositions from your business relations in the community, if such had been the case?

A.—I would.

### TESTIMONY OF EMANUEL BERRI.

Emanuel Berri, called by the committee, sworn, and testified:

I am a banker; of the banking house of B. Davidson & Berri.

Q.—(By Mr. Heacock)—Do you know of any money being subscribed or raised, or of any proposition being made by any set of men, or anybody here in San Francisco, to raise or subscribe money to prevent the repeal of the Specific Contract Act.

A.—Nobody has come to me.

Q.—Have you heard of such propositions from any reliable source?

A.—I have not.

Q.—Would you have been likely, from your business relations in the community, to have heard of them, if such had been made?

A.—It would be rather difficult to say; I go home in a couple of months.

Q.—You do not know nor have not heard of any such proposition?

A.—I have not.

Q.—(By Mr. Ewer)—Do you know of any subscription for that purpose?

A.—No, Sir; none has come to me.

### TESTIMONY OF H. C. BENNETT.

H. C. Bennett, called by the committee, sworn, and testified:

I have been correspondent of the *Daily American Flag*, and was so until about a week before the final vote; I quit on or about the tenth of February.

Q.—(By Mr. Heacock)—You were the legislative correspondent at Sacramento?

A.—Yes, Sir, up to about the tenth of February; I never saw that before [paper entitled, The Price of the California Senate, \$108,000]; I have seen an article of which that is a copy.

Q.—What do you know in reference to one hundred and eight thousand dollars being raised, or any portion of it, for the purpose of inducing seven of the Senators, more or less, to vote to retain the Specific Contract Act?

A.—I do not know anything whatever about it; I was not connected with the paper when that article was written.

Q.—Do you know of any meeting of bankers held subsequently to that legislative caucus?

A.—Yes, Sir, I have heard of the bankers having a committee room in Sacramento.

Q.—Do you remember at what house?

A.—No, I could not find that out.

Q.—(By Mr. Ewer)—This you heard?

A.—Yes, Sir, I will give you the names of the parties who told me.

Q.—(By Mr. Heacock)—At what time did they have this room?

A.—That I could not tell; it was pending the repeal—pending the bill.

Q.—Who told you?

A.—Mr. Ireland, a member of the Assembly.

Q.—What did you hear as to the character of that room—as to what was done?

A.—It was taken for the purpose of interfering in some way—I could not obtain any express particulars about the matter—it was in some way connected with the defeat of the bill for the repeal of the Specific Contract Act. I gained this information from Mr. Ireland; he described the house, but I did not take any memorandum at the time.

Q.—Did Mr. Ireland tell you that there were any improper offers made to him?

A.—The way he explained it was, they did not say they would give him anything, but if certain of his friends wanted anything—if his friends wanted help—we all understand what that means.

Q.—Was there any proposition of money?

A.—Oh, no, there was nothing about money.

Q.—Was there anything said by Mr. Ireland in reference to members of the Senate?

A.—Yes, he said that Mr. Pratt of the Senate had been to that committee room—had been invited there.

Q.—Do you know whether that is Howard's place where he has his permanent rooms for the winter?

A.—I do not; that I could not say.

Q.—(By Mr. Ewer)—Those are understood to be Mr. Howard's rooms?

A.—Oh, no. It was understood—Mr. Ireland told me—these parties,

these anti-greenback men, had a committee room, and that he had been invited to go there, and that Mr. Howard (he described this Mr. Howard; I did not know that he was a member of the Legislature; Mr. Howard is a passing acquaintance of mine) invited him to this house on G street. I was intimate with Mr. McCarthy; have known him for a great many years. Mr. McCarthy never told me the names of any parties by whom he could prove the charges contained in this article, [The price of the California Senate, \$108,000.] He told me at one time that Frank Pixley came to him with a message from Ralston, proffering him money on certain contingencies.

Q.—But outside of that he never has told you anything?

A.—No, Sir.

Q.—You do not know what that was about, except that Pixley told you he came with a message from Ralston?

A.—Yes, Sir; and I inferred it was in relation to this currency question, because I had been writing the financial articles of the paper, and McCarthy told me to pitch in more, to show up more facts in favor of the currency; so I concluded from that, it was in relation to that matter.

Q.—What time was that, during the session?

A.—Oh, no; that was some time before the commencement of the session; I think it was somewhere about the time of the election.

Q.—Outside of that you know of no person who can throw light upon the subject?

A.—No, I cannot think of any; I do not know of any. The testimony that I have given is all that I know of my own knowledge bearing upon this particular case, except this: The next morning after the first meeting of the Investigating Committee, I saw a dispatch addressed to Mr. McCarthy, by way of the Pacific telegraph line, of which the words were substantially these: "Go on, Mac; the witnesses are all ready; it will be all right." It was a brief message. That was almost word for word; but I won't swear positively as to that.

Q.—What was the name signed to it?

A.—That I cannot remember. I may be able to find out; if I do, I will place it in the possession of the committee.

Q.—(By Mr. Heacock)—Was not this telegram from McDonald?

A.—No, Sir; I could swear it was not from him; I saw that dispatch on February twenty-second.

Q.—Do you know of any persons that you could name that would assist in the investigation of this matter?

A.—No, I do not. I do not suppose there is any one that would do more than state his surmise or opinion.

[The committee at once ordered Frank M. Pixley to be summoned.]

### TESTIMONY OF JOHN SIME.

John Sime, called by the committee, sworn, and examined:

My present business is keeping a banking house.

Q.—Do you know of any proposition being made to raise or subscribe money, or of any being raised or subscribed, to prevent the repeal of the Specific Contract Act?

A.—No, Sir.

Q.—From your business relations in the community here, would you have been likely to have heard of them if such had in fact been made?

A.—I think I would.

Q.—Do you know of any meetings of bankers, importers, or others, to take steps to raise money to prevent its repeal?

A.—No, Sir; I have heard of no meetings, either public or private. I would add, in fact, that it was talked of about the time this Legislature was called—that is, remarks were made, I forget by whom—different parties; they said: "What are we going to do?" I said I did not know what others were going to do, that I could live as long as anybody else if they repealed it.

Q.—In such conversations was there ever any talk of raising money to bribe Senators or members to prevent its repeal?

A.—I never heard a proposition to raise any money.

### TESTIMONY OF JOHN PARROTT.

John Parrott, called by the committee, sworn, and testified:

I am a banker—of the house of Parrott & Co., bankers.

Q.—(By Mr. Ewer)—Do you know of any money being raised or subscribed here for the purpose of influencing anybody illegitimately, and preventing the repeal of the Specific Contract Act?

A.—No, Sir.

Q.—You do not know of any subscription for that purpose?

A.—No, Sir.

Q.—If such money had been raised or subscribed, would you have been likely to know it?

A.—It is very probable they would apply to me?

Q.—Have you ever conferred with the delegation from this city, or have they with you, as to that matter?

A.—I have not, because I never thought enough of it to occupy my mind about it. I spoke to Mr. Cunningham, one of the Senators, about it, when he was down here—a few words—and he told me that I need not give myself any trouble about it.

Q.—Did you ever feel any particular anxiety about it yourself, as to whether it was repealed or not?

A.—Not at all. I was one of the coolest among them, and was disposed to let things take their own course.

Q.—(By Mr. Heacock)—At any time during this session, or between the election and this time, have you ever conversed with or were you ever asked by any person to subscribe or pay money to prevent the repeal of the Specific Contract Act?

A.—I never have.

## TESTIMONY OF A. HAYWARD.

A. Hayward, called by committee, sworn, and testified:

Q.—(*By Mr. Heacock*)—What is your business?

A.—I am a miner.

Q.—Do you know of any proposition to raise or subscribe money, or of any money being raised or subscribed, to prevent the repeal of the Specific Contract Act?

A.—I do not.

Q.—From your business relations in the community here, would you have been likely to have known of such propositions, had they been made?

A.—I think I would.

Q.—You were about as active in the matter as anybody, in your anxiety to prevent the repeal?

A.—I was active; I went to Sacramento at the time.

Q.—Where is Mr. Howard's residence?

A.—It is on Seventh street, northward from the Capitol. I do not know the name of the street; it is above I.

Q.—Do you know to what uses, if any, Mr. Howard's room was put, relative to the repeal, or opposition of the repeal, of this Act?

A.—I do not know anything about it. His family are there; it is his home. I have never heard of any committee; I have never heard that it was the resort of the opponents of the repeal of the Specific Contract Act; I never heard the least thing in reference to its being used for that purpose; I know of no parties there at any time in consultation upon this question.

Q.—Do you know of any agent being sent to Sacramento by anybody?

A.—No, Sir.

Q.—Either to use money or do any other illegitimate act to oppose the repeal?

A.—No, Sir.

Q.—Do you know of any money being raised to pay anybody for advocating the opposition to the repeal?

A.—No, Sir; the only expression I heard from first to last was, that there should not be one dollar raised to aid in preventing the repeal.

## TESTIMONY OF E. W. BURR.

E. W. Burr, called by the committee, sworn, and testified:

I am President of the Savings and Loan Society.

Q.—Do you know anything about money being raised or subscribed to prevent the repeal of the Specific Contract Act?

A.—No, Sir; I never heard anything moved or spoken of; I never heard it talked that there was any move, or that there was any contribution.

Q.—From your business relations in the community would you have been likely to have heard it, if such propositions had been made?

A.—Our deposits represent about a million and three quarters, and it is in gold, and our debts—well, in eighteen hundred and sixty-two, when the greenback law went into operation, we had a million and three quarters outstanding, that might, if they had taken any advantage of the Act, of course, been paid in greenbacks; we were paid about twenty-five thousand dollars—there were only two paid in greenbacks, and no other attempts to do so.

Q.—Has there been any meeting held, that you know of, by bankers or merchants, to prevent the repeal of the Act?

A.—Not to my knowledge.

Q.—(*By Mr. Ewer*)—You are a hard currency man?

A.—Yes, Sir; and we have collected every one of the outstanding claims; our papers now are all drawn in gold coin, because we loan in gold coin.

Q.—Did you ever see any subscription list for such purpose?

A.—I never have, nor ever heard of any.

Q.—Did you ever have any conversation with parties here in the city in reference to this subject of raising money?

A.—I never heard of it—not so much as ever heard of it. I heard of it in Sacramento, but only what I saw in the papers, that it was talked about—raising money. I never exchanged a word with any one; never had a man come to me to say it was necessary to do this or that.

Q.—Do you know of any public or private meeting here among the bankers, considering the proposition that it was *not* necessary to raise money for this purpose?

A.—No, Sir; I never attended a public meeting in regard to it, either way; I never heard of it.

Q.—(*By Mr. Heacock*)—If there had been any such meeting, would you have been likely to have been notified of it.

A.—I leave that to you to infer whether I would or not.

## TESTIMONY OF E. MARTIN.

[Present—Honorable S. Ewer, of the committee.]

E. Martin, called by the committee, sworn, and testified

I am Treasurer of the Hibernian Savings Bank; I understand the object of the investigation.

Q.—(*By Mr. Ewer*)—I will ask you whether you know of any moneys being raised, or of any attempt to raise money, by subscription or otherwise, among the bankers or importers in this city, for the purpose of preventing the repeal of the Specific Contract Act?

A.—Not a dollar; not that I know of.

Q.—Have you ever known of any meetings of any kind held for that purpose?

A.—No, Sir.

Q.—To take any action against it by way of raising money, I mean?

A.—No, Sir.

Q.—You never have seen any subscriptions circulated here for that purpose?

A.—No, Sir.

Q.—Do you know of any meeting—public meeting—here for the purpose of disclaiming the raising of money for that object?

A.—I never knew of any such meeting; never heard of it. I do not know of a thing in connection with the charge made by McCarthy.

Q.—Would you be likely to know of these facts that I have just inquired had such taken place?

A.—I think I would be likely to know something about them. I never have known of any.

#### TESTIMONY OF MYLES D. SWEENEY.

Myles D. Sweeney, called by the committee, sworn, and testified:

I have been in the liquor business for the last fifteen years—and groceries—in this town. I have been President of the Hibernian Savings and Loan Society for the last six years. I have been an importer. I do not import at present.

Q.—(By Mr. Ewer)—I will ask you whether you know or have heard of any meetings, public or private, for the purpose of raising or subscribing money to aid in defeating the repeal of the Specific Contract Law in this State?

A.—Never heard of it, except what I read in McCarthy's paper.

Q.—Have you ever been requested either to subscribe or pay money for any such purpose?

A.—No, Sir, never.

Q.—From your occupation and relations here as a business man, would you be likely to know of any such thing if it had been done?

A.—I think I would.

#### TESTIMONY OF H. M. NEWHALL.

H. M. Newhall, called by the committee, sworn, and testified:

I have heard something about the charges preferred in the *Flag*.

Q.—(By Mr. Ewer)—I will ask you whether you know or ever heard of meetings, either public or private, of the bankers, importers, or commission merchants of this city, for the purpose of raising or subscribing money to aid in defeating the repeal of the Specific Contract Act?

A.—No, Sir, I have not. I think if they had been looking for much money I should have been very likely to have heard from some of them.

Q.—You know of no subscription paper presented to you for such purpose?

A.—I do not.

Q.—Or money paid?

A.—I do not.

Q.—And you think if such had been the fact you would have been likely to have known it?

A.—I think I should. I speak of it from the fact that in these different matters that come up, it is very seldom they forget me. No, Sir, there was nothing at all.

Q.—Do you recollect whether a meeting was held here by these persons just enumerated to disclaim the idea of raising money for such purpose?

A.—I do not remember. In fact, I do not know that I have had any conversation with any one about it, or appertaining to it; I think not. I do not remember of having any conversation; I do not think I ever heard it spoken of but once particularly, in any way, shape, or form.

Q.—Will you relate that?

A.—There was some gentleman—I could not tell you who, when, where, or how it came up in conversation.

[Present—Messrs. Heacock and Ewer, of committee.]

This was a long time, I think, even before the Legislature met, and it was what might have been casual street conversation; I do not remember who the parties were; and I think I made the remark that it made but very little difference, that people who made laws in this country did pretty much as they pleased—anyhow, something to that effect.

Q.—Did you ever hear from the delegation from this city on the subject?

A.—No, Sir, I have not.

Q.—In that casual conversation was any proposition made about money?

A.—No, Sir; not a word. There was nothing about money—nothing of the kind. It occurred a long, long time ago; it happened to flash across my mind; I do not suppose I have ever thought of it from that time to this.

#### TESTIMONY OF ALPHEUS BULL.

Alpheus Bull, called by the committee, sworn, and testified:

Q.—(By Mr. Heacock)—What is your business?

A.—It is rather hard for me to answer. I devote myself to the interests of the Gould & Curry and Savage, insurance companies, railroad companies, etc.

Q.—Do you know of any proposition to raise money, or of money being raised or subscribed, to prevent the repeal of the Specific Contract Act?

A.—I am entirely ignorant of anything, either directly or indirectly, of any intimation of it.

Q.—Were you here in the city during the time that bill was pending—about the first of February?

A.—No, Sir; I left here. It was pending when I was in Sacramento, on my way to Austin; it was the latter part of January and first of February; and I know I watched with a good deal of anxiety when I was over there; but I was here at the time it was brought up; I left a little after the first of February—perhaps the seventh or eighth.

Q.—Have you ever heard of any proposition from any reliable source, the name of any party which you could give the committee?

A.—No; I have not.

Q.—Have you had such opportunities as would have made you conversant with the fact if such propositions had been made?

A.—I do not know but what I may say that perhaps such would be the case, because my relations are such. We were all more or less particularly interested in a measure of that kind, and if there was a general move of that kind, I think I should know it; I know I am not often slighted where money is expected—and I know of nothing; no one approached me; nothing of the kind was thought of.

### TESTIMONY OF JOHN S. HITTELL.

John S. Hittell, called by the committee, sworn, and testified:

I am reporter and editor of the *Alta California*; have lived in San Francisco fourteen years.

Q.—(By Mr. Heacock)—Are you acquainted with the business community—bankers and importers?

A.—Tolerably well.

Q.—Do you know anything in regard to any money or subscription being raised, or proposed to be raised, for the purpose of preventing the repeal of the Specific Contract Act?

A.—I have not heard anything of any money being raised—that is, I have not heard of any at this session of the Legislature.

Q.—Has any person by word of mouth told you of any charges being made?

A.—No, Sir; nothing but what was in the newspaper.

Q.—From your acquaintance in the community, and from the standing of business men who are usually prominent in all undertakings here, who would be most likely to be the men who would, in your judgment, know of such movements being made?

A.—My impression is that the persons who would be able to raise a large sum of money would be those most interested, and I should say that the first persons appealed to would be Mr. Ralston, Mr. Louis McLane, Mr. John Parrott, Mr. Alpheus Bull, Mr. Jonathan Hunt, J. Mora Moss, and R. G. Sneath—those among others—partly for the reason that they are more extensively interested in financial operations, and, partly, because it is known by experience that they are the most liberal in subscribing money where financial interests are involved. Most of them, it is known, are pretty liberal.

### SECOND DAY.

SATURDAY, March 24th, 1866.

### TESTIMONY OF P. L. WEAVER.

[Present—Messrs. Ewer and Heacock, of committee.]

P. L. Weaver, called by the committee, sworn and testified:

I am a merchant and member of the Chamber of Commerce.

Q.—(By Mr. Heacock)—Do you know of any propositions having been made during the present session of the Legislature, or immediately previous thereto, to raise or subscribe money, or of any money being raised or subscribed, to prevent the repeal of the Specific Contract Act?

A.—No, Sir.

Q.—From your business relations in the community here as merchant, if such propositions had been made and such money raised, would you have been likely to have known it?

A.—They do not generally fail to call on us.

Q.—Do you know of any meeting of bankers, importers, commission merchants, or others, during the session of the Legislature, (owing to certain reports that there had been a caucus held in Sacramento at which there was one vote majority in favor of the repeal.) at which it was proposed to raise any money to prevent the repeal.

A.—I do not; I never heard of it.

Q.—Do you know of any member of the Legislature who was promised, either directly or indirectly, anything for his vote against the repeal?

A.—I do not.

Q.—Have you ever heard from any person, (not from newspaper articles,) by word of mouth, any statement which would tend to show that any person received money—any member of the Legislature?

A.—I never had the slightest intimation of it.

### TESTIMONY OF W. F. BABCOCK.

W. F. Babcock, called by the committee, sworn, and testified:

I am a member of the firm of Alsop & Company, commission merchants; am a member of the Chamber of Commerce.

Q.—Do you know of any propositions having been made at any time during the session of the Legislature to raise or subscribe money, or of any money being raised or subscribed by any person or persons or firms, to prevent the repeal of the Specific Contract Act?

A.—I do not; never heard anything on the subject, directly or indirectly, in any way, shape, or form.

Q.—Do you know of any meetings having been held by the bankers, commission merchants, and others, in relation to it?

A.—I do not.

Q.—To consider propositions of that kind?

A.—I do not.

Q.—From your business relations in the community, would you have been likely to have heard of it if there had been?

A.—I should have been very apt to have been called upon, I think.

Q.—Have you heard from any person whom we can summon as a witness, any statements which would tend to show that fact?

A.—No, Sir; I do not know of any person who would be likely to know of any facts.



## TESTIMONY OF GEORGE W. GIBBS.

George W. Gibbs, called by the committee, sworn, and testified :

I am in the iron and hardware business; firm of George C. Johnson & Company.

Q.—(*By Mr. Heacock*)—Do you know of any propositions having been made at any time during the present session of the Legislature to raise or subscribe money, or of any money being raised or subscribed, to prevent the repeal of the Specific Contract Act?

A.—No, Sir, I do not.

Q.—Do you know of any meetings being held by the merchants and bankers here, to consider propositions of that kind, at any time during the session?

A.—I do not. I think if there had been, I should have known it.

Q.—Your business relations in the community are such that you would probably have known it?

A.—Yes, Sir, I think I should certainly have known it.

Q.—Do you know of any person from whom you have heard statements of any kind, whom we could summon, who could give testimony on the subject?

A.—No, Sir, I do not. I have not heard a word.

## TESTIMONY OF C. WATERHOUSE.

C. Waterhouse, called by the committee, sworn, and testified :

I am a dealer in wholesale hardwood and wagon materials.

Q.—(*By Mr. Heacock*)—Do you know of any propositions having been made among the business men of San Francisco, during the present session of the Legislature, either to raise or subscribe money, or of any money being raised or subscribed, to prevent the repeal of the Specific Contract Act?

A.—I do not.

Q.—Have you heard from any person, by word of mouth, any proposition of that kind?

A.—No, Sir.

Q.—Do you know of any fact which would enlighten the committee as to anything which would tend to prove the charges of corruption?

A.—Nothing whatever.

## TESTIMONY OF JAMES GAMBLE.

James Gamble, called by the committee, sworn, and testified :

I am Superintendent of the United States Pacific Telegraph Company.

Q.—(*By Mr. Heacock*)—[Explaining to witness that it had been previ-

ously testified that a dispatch had been sent to McCarthy on a certain date]—We had you summoned to see if we could get from you the name of the party who sent the dispatch over your line; to know whether a certain dispatch was sent over your line, the substance of which was in the summons? We want to get not only the name, but the dispatch.

A.—I have never seen the dispatch. I do not know that there is such a dispatch; in fact, I would have to examine the books to find out. I do not think, under the law of the State, that I would be at liberty to divulge the dispatch, or the name of the party who received it, without the consent of either of the parties. The law is very strict it regard to that; it is a criminal offence.

Q.—If it is not too much trouble, can you tell us, without any breach of confidence, that there was or was not a dispatch sent to Mr. McCarthy?

A.—I do not even know that there was such a dispatch sent; I will see Mr. Castle, the attorney of the company, and consult him in regard to it.

## TESTIMONY OF IRA P. RANKIN.

Ira P. Rankin, called by the committee, sworn, and testified :

I am in the iron and foundry business; am a member of the Chamber of Commerce.

Q.—Do you know of any money having been raised or subscribed, or of any proposition having been made to raise or subscribe money, for the purpose of preventing the repeal of the Specific Contract Act?

A.—I never have known any raised; I have heard of no proposition to raise any; I have paid nothing myself; never have been approached upon the subject in any way, directly or indirectly.

Q.—From your business relations in the community, would you have been likely to have known of such propositions if any had been contemplated or made?

A.—I think so. If there is any money to be raised, people are very apt to find me.

Q.—Have you heard from any person, by word of mouth, any proposition of the kind?

A.—I have not.

Q.—Facts, which the committee by summoning such persons can prove?

A.—As a matter of information, on the contrary, I have been told positively, a month or two ago, that not a dollar had been raised or would be raised. I never heard of any proposition in any way to raise a sixpence; and as a matter of belief, I do not believe that a dollar has been raised for the purpose by any combination whatever.

Q.—What was the feeling here in the business community pending the consideration of that bill in the Senate, previous to the final action, as to the result?

A.—It is very difficult to answer that. I think that among business men generally there was a pretty strong apprehension that it might pass; but still that is a matter about which it is very difficult to give a positive answer.

## TESTIMONY OF WILLIAM HOOPER.

William Hooper, called by the committee, sworn, and testified :

I am one of the Commissioners of the Funded Debt of the City and County of San Francisco; that has been my business for the last fifteen years.

Q.—Do you know of any propositions having been made to raise or subscribe money, or of any money having been raised or subscribed, to prevent the repeal of the Specific Contract Act at any time during the present session of the Legislature, or immediately previous thereto, and since the last election?

A.—No, Sir.

Q.—Do you know of any meetings held by the bankers, and others, at any time during the session, to consider the proposition of raising money to prevent the repeal?

A.—I never heard of any meeting whatever.

Q.—From your business relations in the community, would you have been likely to know if such steps had been taken?

A.—Well, I think not. My business is simply to loan money, and I very rarely come in contact with bankers; they come to inquire the price of stocks—something like that.

Q.—Have you heard from any person any facts which would tend to show that any Senator had been bought to vote against the repeal?

A.—No, Sir; I do not know of any person who would be likely to know anything upon the subject; if I did I should surely make it known. I doubt, myself, if there is anything of the sort, in my opinion. I am in favor of the repeal of the Specific Contract Act; I am in favor of the circulation of the Government currency.

## TESTIMONY OF H. C. BENNETT.

H. C. Bennett, (recalled by the committee,) on oath, testified :

I went to see Mr. McCarthy at the request of the committee.

Q.—(By Mr. Heacock)—Did you ask him to give you the name of the author of the dispatch referred to in your testimony yesterday?

A.—Yes, Sir; and he declined.

## TESTIMONY OF FRANK M. PIXLEY.

Frank M. Pixley, called by the committee, sworn, and testified :

I am an attorney at law.

Q.—(By Mr. Heacock)—[The testimony of H. C. Bennett was read to witness]—One of the witnesses has stated that he was informed that you took to D. O. McCarthy, sometime about the last election, a message

from the banker, Ralston—something in reference to money, and the repeal, or the opposition to the repeal of the Specific Contract Act.

A.—I recollect the conversation; it had no reference to the currency question particularly. I did not carry any message from Ralston to McCarthy, in which I offered McCarthy money for any purpose. I am satisfied the message had nothing to do with the repeal of the Specific Contract Act; although I cannot fully remember what it was in regard to.

## TESTIMONY OF R. C. RALSTON.

R. C. Ralston, (recalled by the committee,) testified :

[Mr. Heacock repeated to the witness what Mr. Bennett had testified in relation to Mr. Pixley's having brought a message from the witness to McCarthy, in regard to money, etc.]

Witness.—I remember perfectly well Mr. Pixley stated that he was satisfied that for a little money we could have the *Flag* pursue such a line of policy as we would dictate; whereupon we declined to give a dollar. We were entirely satisfied that if we did do anything of that kind it would be said that we had given them money; and we preferred that they should continue their course.

## TESTIMONY OF JOHN P. H. WENTWORTH.

John P. H. Wentworth, called by the committee, sworn, and testified :

I am engaged in real estate at present—buying and selling.

Q.—(By Mr. Heacock)—Do you know of any propositions being made to raise or subscribe money, or of any money being raised or subscribed, to prevent the repeal of the Specific Contract Act?

A.—No, Sir, I do not.

Q.—Do you know of any meetings having been held by the bankers, commission merchants, importers, and others, to raise money for that purpose?

A.—I do not.

Q.—Have you heard from any person whom we could summon here as a witness any statement which would throw light upon this question, showing that there was money raised?

A.—Well, Sir, I have not had anything definite, any further than this: Mr. William Pierce, of the National Insurance Company (this was subsequent to Mr. McCarthy's imprisonment) stated that he could give Mr. McCarthy a point that would help him out. That is the only person I heard make any statement pertinent to this case. I wish to state furthermore, that I learn that some reference has been made to a telegram sent to McCarthy. I will repeat the telegram I sent to him, and the only one, upon his going up there. From statements which I had read

in his papers I supposed, of course, he had some grounds for these accusations, and I telegraphed to McCarthy after his arrest to "demand a full investigation. Be satisfied with nothing short, and you will win." Those were my words.

Q.—You said nothing about the witnesses being all right?

A.—Not a word, because I knew nothing of that sort, and could not have so stated.

Q.—What line did you send it over?

A.—I sent it over the United States—the new line. Mr. Gamble is the Superintendent. I supposed from his making the assertion in his paper—certainly a bare-faced assertion—that he had witnesses. When the Senate took notice of these accusations and summoned him to Sacramento for an investigation—there had been some proceedings, which had not then resulted in his imprisonment—I then telegraphed just as I have stated. I am in favor of the circulation of the national currency.

### TESTIMONY OF WILLIAM PIERCE.

William Pierce, called by the committee, sworn, and testified:

I am at present President of the National Insurance Company.

Q.—(*By Mr. Heacock*)—Do you know of any propositions having been made to raise or subscribe money, or of any money being raised or subscribed by anybody, here or elsewhere in the State, to prevent the repeal of the Specific Contract Act?

A.—I do not.

Q.—Have you heard from any person, any responsible party whose name you can give the committee, whom we can get to testify to any such money being raised?

A.—I have not.

[Mr. Wentworth's testimony as to what had been said by witness was here read to the witness.]

Q.—What did you mean (if Mr. Wentworth's statement be true) when you said you could give McCarthy a point?

A.—I did not mean in this case; sometimes there is money raised in this town, but not for this case.

Q.—You mean this money was not raised during this session of the Legislature?

A.—Yes, Sir; it was prior to this meeting. There are times when we are called upon to raise money for political and other purposes, but in this case I have not heard of any money being raised.

Q.—You would probably have known it, if such propositions had been made?

A.—I should have been likely to have known it.

Q.—(*By Mr. Ewer*)—Your reply to Mr. Wentworth was in reference to a Legislature preceding the present one?

A.—I do not know as it had anything to do with the Legislature.

Q.—In saying that there was a point by which you could help him out, you had reference to what?

A.—I have known money to be raised here for political purposes, and others, but nothing to do with this Legislature.

Q.—This remark had no reference to the present Legislature?

A.—No, Sir, none at all.

[Mr. Wentworth, at the request of the committee, wrote a note to the Superintendent of the United States Pacific Telegraph Company, for a copy of the dispatch sent by him to McCarthy.]

The following is a copy of the dispatch:

"SAN FRANCISCO, February 22d, 1866.

"TO D. O. MCCARTHY, Esq.,

"Sacramento:

"Demand a full investigation. Be content with nothing short, and you will win.

(Signed:)

"JOHN P. H. WENTWORTH."

Mr. Wentworth further testified, under oath:

This is the dispatch, and the only one that I sent to Mr. McCarthy during his stay in Sacramento.

### THIRD DAY.

MONDAY, March 26th, 1866.

### TESTIMONY OF M. C. IRELAND.

M. C. Ireland, (member of Assembly from Monterey,) called by the committee, sworn, and testified:

Q.—(*By Mr. Heacock*)—It was stated in the testimony of Mr. Bennett, the correspondent of the *Flag*, that you had told him there was a room somewhere on G street, Sacramento, occupied by one Howard, a member of the Assembly, I believe, from San Mateo; that there was an office there occupied by bankers and commission merchants from San Francisco, for the purpose of consultation in reference to this matter of the Specific Contract Act; state what you know on that subject?

A.—I do not know anything of my own personal observation. I told him only what I had heard—what men had told me.

Q.—Do you know nothing of it of your own knowledge?

A.—No, Sir; I just told him what parties had told me.

Q.—(*By Mr. Ewer*)—State what you know about it, then?

A.—I cannot state; I know nothing of my own knowledge.

Q.—(*By Mr. Heacock*)—State who was your informant, and what he told you?

A.—His name is Kirkpatrick.

Q.—A member of the House?

A.—No, Sir; he is from Sierra; he has been down around here a good deal this winter; he was here the other day, and when I first came; I think he has gone away now; I have not seen him since the day before yesterday.

Q.—What did he tell you?

A.—He said there was a gentleman by the name of Howard—I do not know as that is the member of the Assembly, but he gave me a kind of

description of him; the place, I understood him to say, was up on G street—the place he took me to, I presume.

Q.—Did he say any money was used there?

A.—No; he did not say there was any money used there; he said, there was the place where the bankers went; that there was a room on G street where the members went, and had liquor and high living, of course; something like that.

Q.—Is that all.

A.—Well, I understood him to say that Judge Pratt went there once, and though he did not say so, I inferred that Judge Pratt had told him that was the nature of the house; that Judge Pratt told Kirkpatrick of the house.

Q.—(By Mr. Ewer)—You say he told you that was the room where the members had something to eat and drink, and lived pretty fast?

A.—I inferred so.

Q.—What did he say was the purpose for which the room was used?

A.—He did not say. Of course that was to be inferred.

Q.—(By Mr. Heacock)—Have you stated now all, as near as you can remember, of what Kirkpatrick told you in regard to it?

A.—Yes, Sir.

Q.—You know nothing of your own knowledge?

A.—No, Sir.

Q.—(By Mr. Ewer)—Did he say it was the room of the bankers?

A.—No; he said it was kept by a man by the name of Howard, who was very wealthy. I thought it was some other Howard than the member.

Q.—He did not say anything of the parties who kept it?

A.—No; only that it was Howard's room.

Q.—(By Mr. Heacock)—Do you know any fact, from any source, going to show corruption on the part of any member of the Senate, or in regard to any money being raised or used for any such purpose?

A.—No, Sir.

#### TESTIMONY OF GEORGE S. EVANS.

George S. Evans, (Senator from Tuolumne,) called by the committee, sworn, and testified:

Q.—(By Mr. Heacock)—What do you know, if anything, or what have you heard in reference to money having been raised, subscribed, or used, for the purpose of preventing the repeal of the Specific Contract Act?

A.—I do not know of any money being used; I do not know of any money being raised; I have heard of it repeatedly, perhaps a hundred times, in the streets of San Francisco and in the streets of Sacramento, in general conversations; parties have stated that if an investigation were made, they thought they would find that money had been raised, but they did not think that any Senator ever got a cent. I have heard that from a gentleman by the name of Chute. I understood him to say he did not believe any Senator ever received money, but he was satisfied they would find plenty of evidence; that merchants in this town would testify, if called upon, that money had been raised. I think he mentioned the name of a friend of his in San Francisco who gave one thousand.

Q.—Do you know his name?

A.—No; I did, however. I made a memorandum of it, and put it in my pocket, but I have lost it.

Q.—Was that during the investigation?

A.—Yes, Sir; after Mr. McCarthy was arrested. It was up at my house; I met him just as I was going in the gate.

Q.—Where is Mr. Chute?

A.—I do not know. I don't know his business in this town; he has been a merchant here. I would know him if I saw him; he is a light complexioned man, light hair and beard. When I first talked with him, I asked him his name.

Q.—Were these parties of whom you speak, with the exception of Mr. Chute, only expressing an opinion, or stating their own knowledge, or facts within their knowledge?

A.—It was just what, perhaps, you have heard forty times in the street; just as I have heard many times—general talk.

Q.—You do not remember the names of any of the parties except Chute?

A.—No, Sir. It was the general everyday talk that money had been raised.

Q.—And you know nothing of your own knowledge?

A.—Nothing of my own knowledge. I know nothing of any money being subscribed or raised.

Q.—Do you know of any Senator being offered any money, directly or indirectly, for his vote on any question?

A.—No, Sir. I know very well that I never was, directly or indirectly. The party in San Francisco whose name Mr. Chute gave me was a boot and shoe dealer. He mentioned several names, and I recollected him in particular. He may have been alluding entirely to the previous session. He said it was a public thing then; that men went around to different merchants, asking them "how much can you give?" That was two years ago.

#### TESTIMONY OF L. E. PRATT.

L. E. Pratt, (Senator from Sierra,) sworn, and examined:

Q.—(By Mr. Heacock)—You are a member of the Senate, from Sierra?

A.—Yes, Sir.

Q.—It is stated here by Mr. Ireland, member of the Assembly from Monterey, that he was told by one Kirkpatrick that you had visited a room kept by one Mr. Howard—he does not know who, but supposes it to be the member from San Mateo; state whether you visited Mr. Howard's room, and what was done while you were there, and if anything was said or done in connection with the repeal of the Specific Contract Law?

A.—I visited a room, in company with Mr. Howard, Mr. Hayward, and another gentleman—let me see—I think it was Mr. Dodge, but I cannot say positively, on the invitation of Mr. Howard to go and take lunch with him during the intermission of the Assembly. It was a few days previous to the final vote; that is as near as I can fix the time.

Q.—Was there any proposition made there relative to money, as connected with the Smith bill?

A.—Not the slightest; no allusion in the remotest degree.

Q.—Do you know or have you heard of any money being raised, or supposed to be, to influence the vote of any Senator, either directly or indirectly? I mean, have you heard it from any person by word of mouth, as contradistinguished, of course, from newspaper reports?

A.—Well, I have heard it said by persons that money had been raised, or used; I could not say by whom; I heard it around town, you know, among a crowd of people.

Q.—Was it given as an opinion, or did they say they knew it?

A.—I never heard any one say that he knew positively that money had been used.

Q.—Can you remember the names of any persons whom you heard make use of these expressions?

A.—Well, Sir, I do not believe I could specify one. I have heard men say, "Oh, well, you know there's no use talking—money has been used."

Q.—That is the character of the expressions you referred to?

A.—Yes, Sir.

Q.—You did not deem those expressions of sufficient importance to place confidence in them?

A.—I paid no attention to that at all; I regarded it as I would any such conversation.

Q.—Do you know whether the house you visited is the residence of Mr. Howard or not?

A.—I do not know; I suppose it is; it is on Seventh street, and not far from I; perhaps it is on the corner of H. It is a brick building, with a bow window, and perhaps the only one of that description in the neighborhood. I went there to take lunch.

Q.—That was the member of Assembly from San Mateo that you went with?

A.—A member of Assembly; I supposed at that time he was from San Francisco. I remember that we talked about the Specific Contract Law, and Mr. Howard and Mr. Hayward both assigned some reasons why it should remain. I think both of them said they hoped I would make a speech on that side. I said I was not really determined, and did not think I should speak on either side; that I did not care but very little whether it was repealed or not. That was all that was said about the Specific Contract Act.

[The committee adjourned until to-morrow, at one o'clock P. M.]

#### TESTIMONY OF GEORGE H. HOWARD.

TUESDAY, March 27th, 1866.

George H. Howard, (member of Assembly from San Mateo,) sworn and examined:

Q.—(By Mr. Heacock)—You are a member of the Assembly from San Mateo?

A.—I am, Sir.

Q.—Have you a family residing here?

A.—Yes, Sir—or had until last Saturday.

Q.—Where?

A.—At the corner of G and Seventh streets; I think it is G—the corner above here.

Q.—Have you at any time during the session occupied any other room?

A.—No, Sir; never.

Q.—Have you invited friends or other persons to meet you at any other room than at the house where your family resided?

A.—Never.

Q.—Do you remember of Mr. Pratt, in company with Mr. Hayward, having been at your house?

A.—I do, Sir.

Q.—At what time?

A.—I do not remember the date; I should think it was two months ago, but I will not be at all sure about the date; I do not remember it.

Q.—Did any other party than yourself contribute any money toward paying the expenses of your house, or your lunch room, or table?

A.—Never, Sir; no other party than myself.

Q.—(By Mr. Ever)—Did the bankers, commission merchants, or importers of San Francisco, or any of them, ever have a place of meeting for the purpose of raising money, or otherwise, to defeat the Specific Contract Law, at your place, or at any other place that you know of?

A.—No, Sir; I am only surprised that any one knowing me should make the charge.

Q.—(By Mr. Heacock)—It may seem, perhaps, a simple question, but I will ask you for what object did you keep a lunch table, or invite members to lunch at your room?

A.—If you wish to know why I kept it, I would like to answer the question. It is my custom always to do so; I keep nearly open house at my country seat, and always have, and I look upon it as a privilege to be able to entertain my friends. When I heard that I was called in here I supposed it was in regard to that matter, but until you happened to mention the name of Judge Pratt, I did not remember that the Specific Contract Act had ever been alluded to in my house. It never was but at that time, I think. It was the same day that you (Mr. Heacock) was there, I remember.

#### TESTIMONY OF F. W. CHUTE.

F. W. Chute, sworn and examined:

Q.—(By Mr. Heacock)—Where do you reside?

A.—In Sacramento; number two hundred and twelve, Second street.

Q.—Do you know of any proposition to raise money, or of any money having been raised or subscribed, to prevent the repeal of the Specific Contract Act at the present session of the Legislature?

A.—Only by hearsay.

Q.—From what parties?

A.—From Henry C. Kirk.

Q.—Of this city—the druggist?

A.—Yes, Sir.

Q.—From any other party?

A.—No, Sir; not directly.

Q.—State what Mr. Kirk said?

A.—He said in my presence, or to me, that he thought they were very foolish in making the changes; that it did not cost them over ten thousand dollars, and they could just as well have had two hundred thousand, if they had passed the bill to engrossment.

Q.—(By Mr. Ewer)—That was at this session?

A.—Yes, Sir. I know of something at the former session; I know of evidence to prove that they sent money up here; that was the former session.

Mr. Heacock.—We are not investigating any former session.

Q.—(By Mr. Heacock)—You say you have not heard it directly, but have heard it indirectly this session?

A.—I have often heard it remarked.

Q.—Was that an opinion of the men you heard it from merely?

A.—Only an opinion of men, so far as I know, these remarks. What I have stated in regard to Henry C. Kirk, I am positive that he made those remarks to me.

#### TESTIMONY OF HENRY C. KIRK.

Henry C. Kirk, sworn and examined:

Q.—(By Mr. Heacock)—What is your business?

A.—A druggist.

Q.—You reside in this city?

A.—Yes, Sir.

Q.—Do you know of any proposition having been made to raise or subscribe money, or of any money having been raised or subscribed, to prevent the repeal of the Specific Contract Act, at the present session of the Legislature?

A.—I do not.

Q.—Did you at any time during the present session of the Legislature say to or in the presence of Mr. F. W. Chute, that you thought they were very foolish in making the changes; that it did not cost them over ten thousand dollars, and they could just as well have had two hundred thousand, if they had passed the bill to engrossment?

A.—Well, I do not know as I said that to him as my own opinion; I gave it to him as it was retailed to me by some one else.

Q.—From whom did you get that statement?

A.—From Jack Housman. He was in the store at one time, and I do not think he said it of his own knowledge. He said he did not think they got ten thousand dollars, and if they had passed it to engrossment that would have been a smart plan to get money from them.

Q.—It was what Houseman had said, then, that you stated to Mr. Clute?

A.—Yes, Sir—J. H. Housman.

Q.—Was that all that Mr. Housman said in regard to it?

A.—I do not know; he was around there sometime, I know; that was the sum and substance of it. I should not have thought of it again, perhaps, and did not recollect it until Mr. Haswell told me what Mr. Chute had said about it. He said that if they had passed the bill to engrossment they would have got more money.

#### TESTIMONY OF J. H. HOUSEMAN.

J. H. Houseman, called by the committee, sworn, and testified:

Q.—(By Mr. Heacock)—What is your business?

A.—I am occupied at present as Assistant Journal Clerk of the Assembly.

Q.—Do you reside here in Sacramento?

A.—Yes, Sir.

Q.—Do you know of any proposition having been made at any time during the present session of the Legislature, to raise or subscribe money, or of any being raised or subscribed, for the purpose of influencing the vote against the repeal of the Specific Contract Act?

A.—No, Sir, nothing except common rumor.

Q.—When you say "common rumor," do you know of any individuals who have made such statements to you?

A.—Well, I do not know as I can call to mind one. I have heard a good many statements made or opinions expressed.

Q.—Were those statements which you have heard given as matters of opinion, or as the statements of parties professing to know facts?

A.—Well, to give you an idea of what they were, I have heard people say: "Well, I know money has been subscribed;" but I do not know how they got their information.

Q.—Can you give us the names of those people?

A.—I do not know as I could. I have heard people say so in San Francisco, probably from twenty to fifty times, but I could not name them. You know it is the common remark.

Q.—What I wish to know is, if you can give the committee the name of any party from whom we can elicit any fact tending to show that such a proposition has been made, or that money has been raised or subscribed?

A.—The only person whom I know or can mention is Mr. Bennett, who told me at the Golden Eagle Hotel that twenty-five thousand dollars had been offered. I could not say at the present moment whether it was in this matter of the Specific Contract Act, or in some other.

Q.—That is the only individual whom you can name?

A.—The only one that I recollect of now—the correspondent of the *Flag*; there might have been some other.

Q.—Did you look upon the expressions you speak of at the time you heard them as expressions of opinion, or did you infer that the parties had facts within their own knowledge?

A.—Well now, Sir, I recollect that I heard one person, to the best of my recollection, on Montgomery street, state that he had seen a subscription. I could not say who it was; I have not got the name, and cannot recollect it.

Q.—The committee would like to know it?

A.—I could not give it.

Q.—At what time was that?

A.—About the beginning of February.

Q.—Are you certain that he referred to the present session of the Legislature?

A.—Yes, Sir, I recollect distinctly in regard to that. I will tell you when I heard these remarks on Montgomery street; it was when—I think it was before the bill had passed to engrossment—no, they refused to engross it. I recollect that the remark was made by dozens of men, I might say, that if the Senate had regard for their interests they would pass that bill to engrossment.

Q.—Do you remember stating in Mr. Kirk's drug store one evening that not more than ten thousand dollars had been raised, and that if they wanted to get a much larger amount, they should have let the bill gone to engrossment?

A.—I might; I do not recollect it—not about the ten thousand dollars; I do not recollect that.

Q.—If you did not make such a remark, what basis other than you have stated have you for it?

A.—Nothing, except as I have stated; I have heard it said by lots and lots of people, and before I left here. Probably you have heard the same kind of remarks yourself, though probably you would not be as liable to hear so much of it, being a member of the Senate.

Q.—After reflecting, are you still unable to give the committee any other name than that of Mr. Bennett?

A.—They do not occur to me at the present time.

[The Committee adjourned.]